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GENERAL ACTS  
AND  
JOINT AND CONCURRENT RESOLUTIONS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,

PASSED AT THE

Regular Session of 1871;

WITH AN APPENDIX.

◆  
BY AUTHORITY.

---

LANSING:  
W. S. GEORGE & CO., PRINTERS TO THE STATE.  
1871.



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# LAWs OF MICHIGAN.

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[ No. 1. ]

AN ACT to amend section fifty of an act to provide for the incorporation of railroad companies, approved February twelfth, one thousand eight hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
section number fifty of an act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, one thousand eight hundred and fifty-five, be and the same is hereby amended so as to read as follows:

Sec. 50. Any railroad company in this State, forming a continuous or connected line with any other railroad company, when railroad companies may consolidate. may consolidate with such other company, either in or out of this State, into a single corporation: *Provided,* That no such Proviso. companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The Directors may enter into agreement. directors of said two or more corporations may enter into an agreement, under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms What the agreement shall contain and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which Number of directors. number shall not be less than seven, nor more than thirteen, the time and place of holding the first election of directors Time and place of holding election. after such consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations as hereinafter

~~Capital stock provided, the number of shares of capital stock in the new shares of, and amount of each corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights, and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice by publication at least once in each week for four successive weeks, in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which newspaper shall be published, the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of the said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders by the vote of a majority in interest of the stockholders, in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders, separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement, filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence.~~

~~New corporation, powers, rights, and franchises of.~~

~~When agreement of directors deemed agreement of corporation.~~

~~Notice of meeting.~~

~~Contents of notice.~~

~~Copy of agreement may be used as evidence.~~

~~to be a copy, shall in all courts and places be presumptive~~

evidence of the consolidation of said two or more companies, and of all the facts therein stated.

Sec. 2. This act shall take immediate effect.

Approved January 18, 1871.

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[ No. 2. ]

AN ACT to amend section two, of act number one hundred and five, of the session laws of eighteen hundred and sixty-three, being section number twenty-two hundred and thirty-one of the compiled laws, in relation to granting diplomas to graduates of State Normal Schools, approved March thirteenth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact,* That section two, of act one hundred and five, of the session laws of eighteen hundred and sixty-three, and approved March thirteenth, eighteen hundred and sixty-three, shall be so amended so as to read as follows:

Sec. 2. (2231.) The board of instruction of the Normal School shall give to every graduate receiving such diploma a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State when a copy thereof shall have been filed or recorded in the office of the county superintendent of common schools. Such certificate shall not be liable to be annulled except by the board of instruction, but its effect may be suspended in any county, and the holder thereof may be stricken from the list of qualified teachers in such county, by the county superintendent of common schools for the county in which said township may be situated, for any cause and in the same manner as he now is by law authorized to revoke certificates given by himself; and in case there be no such county superintendent for the county in which such township is situated, then the said certificate so given by the board of instruction may be suspended in any such township, and the holder thereof stricken

Certificate;  
graduates to receive.  
Effect of,  
when filed  
with county  
supt. of schools.  
How effect  
of may be  
suspended.  
When school  
inspectors  
may sus-  
pend.

## LAWS OF MICHIGAN.

from the list of qualified teachers in said township, by the school inspectors for said township, for any cause that authorizes them to annul a certificate given by themselves, and such Duration of suspension, in either case, shall continue in force until revoked suspension. by the authority suspending it.

Sec. 3. This act shall take immediate effect.

Approved January 18, 1871.

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### [ No. 3. ]

#### AN ACT to provide for paying publishers of newspapers for publishing the general laws of the State.

General laws, payment for publishing provided for. SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be and he is hereby required to pay, on the warrant of the Auditor General, fifteen dollars to every publisher of a newspaper, in this State, who has heretofore, or may hereafter, publish all the general laws passed at any session of the Legislature, on satisfactory proof to the Auditor General of such publication, as authorized by the constitution.

Sec. 2. This act shall take immediate effect.

Approved January 24, 1871.

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### [ No. 4. ]

#### AN ACT to provide for the payment of the officers and members of the Legislature for the year eighteen hundred and seventy-one.

Appropriation.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated out of any money in the treasury to the credit of the general fund, a sum not exceeding forty thousand dollars, for the payment of the officers and members of the Legislature for the present session.

Sec. 2. The compensation of the President and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day each for actual attendance, and when absent on account of sickness, during the present session of the Legislature, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day each, additional, during the session of the Legislature. Each member of the Senate and House of Representatives shall be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the Senate, and their authorized assistants, and of the Clerk, and Engrossing and Enrolling Clerk and Sergeant-at-Arms of the House of Representatives, and their authorized assistants, and of the clerks employed with the consent of the Senate or House of Representatives, by any of the standing or special committees of either of said Houses, shall be three dollars a day each, for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route. The compensation of the firemen of the Senate and House of Representatives, and their authorized assistants, and keeper of the cloak-room, and of the postmaster of the Legislature, shall be three dollars per day, and that of the messenger boys, two dollars per day for the time actually employed in attendance during the session.

Sec. 3. Such sums as may be due, under the provisions of this act, to the Secretary of the Senate and the Clerk of the House of Representatives, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate and Speaker of the House of Representatives, shall be certified by the Secretary or Clerk of the respective

Counter-signed.

Houses, and countersigned by the Auditor General; and such sums as may be due to the members and other officers of either House, shall be certified by the Secretary or Clerk, and countersigned by the presiding officer of the respective Houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Sec. 4. This act shall take immediate effect.

Approved January 24, 1871.

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[ No. 5. ]

AN ACT to amend section seventy-nine, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled "Of courts held by justices of the peace," as amended by act approved February thirteenth, eighteen hundred and fifty-five, being section three thousand seven hundred and thirty-one of the compiled laws.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section seventy-nine, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled "Of courts held by justices of the peace," as amended by act approved February thirteenth, eighteen hundred and fifty-five, being section three thousand seven hundred and thirty-one of the compiled laws, be and the same is hereby amended so that said section shall read as follows:

Bond; defendant to enter into.

(3731.) Sec. 79. At the time of tendering such plea and notice, the defendant, with at least one sufficient surety, to be approved by the justice, shall enter into a bond to the plaintiff, in a penalty at least two hundred dollars, conditioned that such defendant will pay any judgment that may be rendered against him in such action in the circuit or district court of such county, and shall also pay the plaintiff's costs legally incurred to that time, not exceeding the amount allowed by

To pay plaintiff's legal costs.

law in justices' courts, and also the sum of one dollar to the justice for certifying the cause to the circuit or district court. To pay justice's fee.

Approved January 24, 1871.

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[ No. 6. ]

AN ACT to provide for the collection, compilation, and reprinting of the general laws of this State.

SECTION 1. *The People of the State of Michigan enact,* That all general laws in force in this State, and all general acts and parts of acts passed by the present Legislature, which shall be approved and become laws, shall be collected and reprinted, without alteration, under their appropriate heads and titles, with marginal notes and references, and an index thereto, pursuant to the provisions of section fifteen, of article eighteen, of the constitution of this State.

Sec. 2. It shall be the duty of the Governor to appoint two commissioners, whose duty it shall be to examine the laws so collected and arranged, and if found by them to be a correct compilation of all the general laws in force, to certify the same to the Governor.

Sec. 3. Said laws, when so collected and examined, shall be reprinted and bound in two volumes of convenient size, under the direction of the compiler, in as good style and in as substantial manner as the compiled laws of this State, ten thousand copies thereof to be completed and deposited in the office of the Secretary of State by the first day of March, in the year one thousand eight hundred and seventy-two.

Sec. 4. The person so appointed by the Legislature to collect and examine the laws of this State as aforesaid shall be entitled to receive for such services the sum of two thousand dollars, which sum shall cover all expenses for such services and assistance, and the commissioners appointed by the Governor to

## LAWS OF MICHIGAN.

examine the same as aforesaid shall receive for such services the sum of three hundred and fifty dollars each.

*Sec. of State  
to furnish  
compiled  
and session  
laws.*

Sec. 5. The Secretary of State is hereby authorized and directed to furnish the person so appointed to collect and compile the laws, three complete sets of the compiled laws, and the same number of all session laws since the year one thousand eight hundred and fifty-six.

*State Treas-  
urer author-  
ized to sell  
new compi-  
lation.*

Sec. 6. The State Treasurer is hereby authorized and directed to sell, from time to time, any number of the compiled laws when printed and bound as aforesaid, at a fair price, not less than the actual cost thereof, reserving the usual number of copies the disposition of which is provided by law.

[Sec. 7. This act shall take immediate effect.]

Approved January 25, 1871.

[ No. 7. ]

AN ACT to amend section eighteen of "An act to authorize the business of banking," approved February sixteenth, eighteen hundred and fifty-seven.

*Section  
amended.*

SECTION 1. *The People of the State of Michigan enact,* That section eighteen of "An act to authorize the business of banking," approved February sixteenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

*Directors;  
when shall  
declare div-  
idend.*

Sec. 18. The directors of each bank shall, semi-annually, on the first Monday in January and July, declare a dividend of so much of the net profits of the bank as they shall deem expedient, and on each of said days the president or cashier shall make a full, clear, and accurate statement to the State Treasurer of the condition of the bank as it shall be on that day, after declaring the dividend, if any be declared, which shall be verified by the oath of the president or cashier, and shall contain

*To make  
statement of  
condition to  
State Treas-  
urer.*

a full abstract of the general accounts of the bank, so as to show plainly its resources and liabilities and the amount of each kind thereof, and the same shall be published, at least once a week for three successive weeks, in some newspaper of the county where such bank is located, if any paper be published therein, if not then in any paper published in Detroit. Where published.

Approved January 27, 1871.

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[ No. 8. ]

AN ACT to amend section thirteen (13), of chapter fifty-one (51), of the compiled laws relating to wolves and other noxious animals.

SECTION 1. *The People of the State of Michigan enact,* That Section amended. section thirteen, of chapter fifty-one, of the compiled laws, as amended by act number one hundred and twenty-nine of the session laws of eighteen hundred and sixty-nine, being "An act to amend chapter fifty-one of the compiled laws, relating to the destruction of wolves and other noxious animals, by adding a new section thereto, to stand as section thirteen of said chapter," approved April third, eighteen hundred and sixty-nine, be and hereby is amended so as to read as follows:

Sec. 13. The township boards of the several townships of this State, shall have power, at the expense of their respective townships, to award and allow such other bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction of panthers and other noxious animals, within their respective townships, as the qualified electors of each shall have voted at the annual township meeting next preceding; and Bounties; what township board may allow. How paid. such additional and other bounties, when duly allowed and certified in such manner as the township board may prescribe, shall be paid out of the township treasury: *Provided,* That Proviso.

neither of the bounties provided for in this section shall exceed in amount the sum of two dollars.

Approved January 27, 1871.

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[ No. 9. ]

AN ACT to authorize the consolidation of mining corporations.

How may consolidate.

SECTION 1. *The People of the State of Michigan enact,* That mining corporations organized under the general laws of this State may, by vote of three-fifths (3-5) in interest of the entire stock of said corporations actually present or legally represented at meetings of stockholders duly called to consider the question of consolidation, agree to unite and consolidate the said cor-

When valua-  
tions, etc.,  
shall be de-  
termined.

porations. At such meetings the terms upon which the consolidation shall be effected, the valuations of the several properties, and the number of shares of stock in the consolidated corporation to which the stockholders in each of the corporations may be entitled, shall be determined. The capital stock

Amount of  
capital stock

and the number of shares in the consolidated corporation may be the same, but no greater, than the aggregate capital stock and number of shares of the several corporations before such

Proviso.

consolidation: *Provided,* That no mining corporations shall unite under this act whose capital actually paid in, or whose expenditures in the purchase of lands and improvements, shall be less than one hundred thousand dollars each. The several

Companies  
to file cer-  
tificate of  
capital stock  
with Sec. of  
State.

corporations forming such consolidated corporation, before the said consolidation shall be completed, shall file in the office of

the Secretary of State a certificate signed by the president and secretary of each of said corporations and verified under oath, showing the amount of capital stock actually paid in, the amount expended for the purchase of lands, and for improvements made upon said lands by each of the said corporations: *Pro-*

vided, The lands of such corporations shall be known as *Proviso.*  
 mineral lands, and in every case contiguous and adjacent to  
 each other: *Provided further,* That the capital stock of no <sup>Further pro-</sup>  
 consolidated corporation shall be divided into a greater number <sup>Number of</sup>  
<sup>shares.</sup> than eighty thousand shares, that in no case shall a greater  
 amount of capital be called in by the consolidated corporation  
 under this act than that remaining unpaid on the stock of the  
 several corporations at the time of such consolidation, and that <sup>Par value of</sup>  
<sup>shares.</sup> the par value of such shares shall be fixed at the meeting at  
 which the consolidation shall be made, and in no case exceeding  
 twenty-five dollars, or less than ten dollars, and every  
 certificate of stock issued shall upon its face state the par value  
 and the amount of assessment to which said stock is liable.

Sec. 2. The corporations so formed shall hold and enjoy all <sup>Powers,</sup>  
 the powers, privileges, rights, franchises, properties, claims, <sup>privileges,</sup>  
 demands, and estates which at the time of such union may be  
 held and enjoyed by either of said existing corporations, and be <sup>rights, etc.</sup>  
 subject to all the dues, demands, contracts, and liabilities existing <sup>Dues and</sup>  
<sup>liabilities.</sup> against either of the same; and all suits at law or in equity, <sup>Suits at law;</sup>  
 and all proceedings before any tribunal, which may be pending, <sup>how prose-</sup>  
<sup>cuted and</sup>  
<sup>defended.</sup> to which either corporation shall be a party, may be prosecuted  
 and defended by the company hereby authorized, in the same  
 name, in like manner, and with the same effect, as might have  
 been done had such union not have been formed. All claims, <sup>Claims, con-</sup>  
<sup>tracts, etc.;</sup>  
<sup>how en-</sup>  
<sup>forced.</sup> contracts, rights, and causes of action of or against either cor-  
 poration, at law or in equity, may be enforced by suit or action,  
 to be commenced and prosecuted by or against the corporation  
 formed as aforesaid. And the said existing corporations shall  
 continue corporations for the purpose of prosecuting or defend-  
 ing any suit or proceeding at law, or in equity, or otherwise,  
 now pending or which may hereafter be brought by or against  
 either of them.

Sec. 3. The officers of the existing corporations shall con- <sup>Rights and</sup>  
 tinue to exercise, in behalf of the corporations so to be formed, <sup>powers of</sup>  
<sup>existing cor-</sup>  
<sup>porations.</sup> all their rights and powers, until the new corporation shall be

organized; and thereafter each of the said existing corporations shall continue, for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor; and shall execute all such transfers, conveyances, and assignments, as the corporation formed as aforesaid may deem necessary or expedient to vest in itself any property, estates, contracts, rights, or claims, if any there be, which do not vest in it by virtue or authority of this act.

**Certificates  
of stock;  
power to  
cancel; to  
issue new,  
etc.**

Sec. 4. Any mining corporation consolidated under this act shall have power to call in and cancel their prior certificates of stock, and to make and issue to its stockholders new certificates of stock in the consolidated corporation, in such proportions to each, as each shall be entitled to, according to the terms of consolidation as agreed upon, and to cancel the stock of any stockholder who shall not return his stock to be canceled, as aforesaid, within ninety days after actual notice of the resolution of the corporation for calling in its stock, or who shall not return his stock after publication of notice of said resolution for ninety days in some daily paper published in the city of Detroit, also in some paper published in the Upper Peninsula, also in a paper published in the place where the principal business office of the company is located.

**Notice for  
calling in  
stock**

**Acts re-  
pealed.**

Sec. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved January 27, 1871.

(For immediate effect, see act No. 24.)

[No. 10.]

**AN ACT** to amend section eleven, of chapter ninety-one, of the revised statutes of eighteen hundred and forty-six, being section three thousand six hundred and seventeen, of chapter one hundred and sixteen, of the compiled laws, entitled "Of the Probate Courts."

**Section  
amended.**

**SECTION 1.** *The People of the State of Michigan enact,* That section eleven, of chapter ninety-one, of the revised statutes of

eighteen hundred and forty-six, being section three thousand six hundred and seventeen, of chapter one hundred and sixteen, of the compiled laws, be amended so as to read as follows:

Sec. 11. When a witness whose testimony is necessary to be used before any court of probate, or the commissioners appointed by such court, shall reside out of this State, or within this State but more than thirty miles from the place of trial or hearing, or by reason of age or bodily infirmity shall be unable to attend in person, the court may issue a commission under the seal of said court, and signed by the judge thereof, or the register, if there be one, to one or more competent persons to take the testimony of such witness. Such commissions, <sup>Deposition; how may be used.</sup> when issued and the deposition taken thereon according to the provisions of law for taking depositions to be used on the trial of civil causes, may be used on the trial of any question before the probate court, or before the commissioners appointed by such courts, when such testimony may be proper. Such deposition, when so taken, shall, in all cases, be returnable to the court from which the commission to take the same has issued, and may be used in evidence by either party in the circuit court when any matter or proceeding in which they were taken shall be appealed to such court.

Approved February 14, 1871.

[No. 11.]

AN ACT to amend section two, of act number one hundred and sixty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act relative to laying out, altering, and discontinuing highways."

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> section number two, of act number one hundred and sixty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act relative to laying out, altering,

and discontinuing highways," be and the same is hereby amended so as to read as follows:

~~Highway  
commission-  
ers; duties  
of.~~

~~To issue no-  
tice of meet-  
ing.~~

~~To serve no-  
tice.~~

~~Proceedings  
of, when  
owner is  
non-resident~~

Sec. 2. Whenever the commissioners of highways shall be applied to, as mentioned in the preceding section, to lay out, alter, or discontinue any highway, they shall, within five days thereafter, issue a written notice, stating the object of such application, and appointing a time and place of meeting of the board of commissioners of highways, which shall be served by said commissioners, or one of them, on the owners or occupants of lands through which it is proposed to lay out, alter, or discontinue such road, either personally or by a copy left at the residence of said owner or occupant, at least ten days before the time of said meeting; and if no person shall reside upon such lands, and the owner thereof shall not reside in the township, no other service of said notice shall be required than by posting up the same in three public places in the township ten days before the time of meeting.

Approved February 15, 1871.

[No. 12.]

AN ACT to amend section ten, of chapter one hundred and thirteen, of the compiled laws of eighteen hundred and fifty-seven, entitled "Of the circuit courts," approved April eighth, eighteen hundred and fifty-one, being section three thousand four hundred and twenty of the compiled laws.

~~Section  
amended.~~

SECTION 1. *The People of the State of Michigan enact,* That section ten, of act number one hundred and fifty-seven, of the session laws of eighteen hundred and fifty-one, approved April eighth, eighteen hundred and fifty-one, entitled "An act to define the limits, jurisdiction, and powers of circuit courts," being section ten, of chapter one hundred and thirteen, of the compiled laws, be amended so as to read as follows:

Sec. 10. Each of the said courts, upon good cause shown, <sup>Change of venue; when may be made.</sup> may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried, and the court to which such cause shall be so removed shall proceed to hear, try, and determine the same ; and execution <sup>How execu-  
tion may be had.</sup> may thereupon be had, in the same manner as if the same had been originally prosecuted in their county, except that in all criminal cases where the defendant shall be convicted and be sentenced to imprisonment in a common jail, the court awarding the sentence shall have the authority to direct, and shall direct, that the defendant be imprisoned in the common jail of the county in which the prosecution commenced ; and in every <sup>Expenses of trial; by whom paid.</sup> criminal case where a change of venue is ordered, all the expenses of such trial shall be a charge upon the county in which the prosecution originated ; and when there shall be a <sup>When circuit judge may order new trial.</sup> disagreement of the jury on the trial of any criminal cause in the circuit court to which such cause was ordered for trial, the circuit judge before whom the same was tried, if he shall deem that the public good requires the same, may, upon cause shown by either party, order and direct the issue to be tried in the circuit court of another county in the State, and the court to which such cause shall be removed shall proceed to hear, try, and determine the same, in the same manner and with like effect as was pursued by the circuit court making such order.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1871.

[ No. 13.]

AN ACT to amend section two hundred and ninety-six of the compiled laws, relative to commissioners of deeds in other States.

Section amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section two hundred and ninety-six of the compiled laws be and the same is hereby amended so as to read as follows:

Commissioners of  
deeds; Governor to  
appoint.

(Sec. 296.) **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Governor be hereby authorized to appoint and commission one or more commissioners in each, or such of the other States and Territories of the United States, or in the District of Columbia, as he may deem expedient, which commissioners

Term of office.

Powers and duties of.

shall continue in office for the period of five years, unless sooner removed by the Governor, and shall have authority to take acknowledgment and proof of the execution of any deed, mortgage, or other conveyance of any land, tenements, or hereditaments lying and being in this State, any contract, letter of attorney, or any other writing under seal, to be used

Effect of certificate of.

and recorded in this State; and such acknowledgment or proof, taken or made in the manner directed by the laws of this State, and certified by any one of said commissioners before whom the same shall be taken or made, under his seal, which certificate shall be attached to or endorsed on said deed or instrument aforesaid, shall have the same force and effect, and be as good and valid in law for all purposes, as if the same had been taken or made before any officer authorized to take such acknowledgment residing in this State: *Provided however,*

Proviso.

That in all cases, and before the appointment is made and commission issued, the person desirous of such appointment shall present to the Governor a written application therefor, with proper recommendation for such office of the Governor of his State, or of a judge of a court of record in the county where such applicant resides, or other satisfactory evidence of his fitness for the office desired, and

shall pay into the State treasury the sum of three dollars, to be placed to the credit of the general fund: *And provided further*, That the commissions of all persons already appointed as commissioners of deeds for this State shall expire at the expiration of five years from the date of the approval of this act, notice of which shall be given to each of said commissioners by the Secretary of State.

Further proviso.  
old commissioners;  
when term expires.

Sec. 2. This act shall take immediate effect.

Approved February 16, 1871.

[ No. 14. ]

AN ACT to amend section three, of act number sixteen, of the session laws of one thousand eight hundred and sixty-nine, entitled "An act to provide for the incorporation of the Father Mathew Total Abstinence Societies."

SECTION 1. *The People of the State of Michigan enact,* Section amended. That section three, of act number sixteen, of the session laws of eighteen hundred and sixty-nine, being an act entitled, "An act to provide for the incorporation of the Father Mathew Total Abstinence Benevolent Societies," be and the same is hereby amended to read as follows:

Sec. 3. A copy of said articles of association, together with a copy of the charter or constitution, of which the persons executing said articles are members, shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located; and shall be recorded at length by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that

Articles of association;  
where filed  
and recorded.

Corporate rights.

Proviso.

Value of  
real and  
personal  
estate.May estab-  
lish rules,  
regulations,  
etc.To elect  
members.

name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates real and personal; of suing and being sued; and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of their real and personal estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, devise, mortgage, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents, and increase shall be devoted exclusively to the charitable and benevolent purposes of the "Father Mathew Total Abstinence Benevolent Society." Said corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, not contrary to the laws of this State and the United States, and to designate, elect, or appoint, from among their members, such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporation.

Sec. 2. This act shall take immediate effect.

Approved February 21, 1871.

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[ No. 15. ]

AN ACT to amend section sixty-five, of chapter fourteen, of the revised statutes of one thousand eight hundred and forty-six, being section four hundred and six of the compiled laws, relative to county officers.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-five, of chapter fourteen, of the revised statutes of one thousand eight hundred and forty-six, being section four hundred and six of the compiled laws, be amended so as to read as follows:

Sec. 85. The books necessary to be kept and used in the <sup>Clerk shall obtain books, etc.</sup> clerk's office, and, also, printed calendars for each regular term of court, shall be procured by the clerk, under the direction of the judge of the circuit court, at the expense of the county; and the board of supervisors of the county shall audit and <sup>Supervisors to allow account.</sup> allow the account for such books and calendars, on the certificate of said judge.

Sec. 2. This act shall take immediate effect.

Approved February 21, 1871.

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[ No. 16. ]

AN ACT to amend an act entitled "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks," approved April fifth, eighteen hundred and sixty-nine, being number one hundred and fifty-one of session laws of eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section one of "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks," approved April fifth, eighteen hundred and sixty-nine, being act number one hundred and fifty-one of session laws of eighteen hundred and sixty-nine, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That <sup>Corporation; how formed.</sup> any number of persons, not less than five, desiring to form a corporation for the purpose of constructing, owning, and maintaining any skating park or rink, or any park or piece of ground enclosed and kept for ornament and recreation or amusement, in any city, village, or township of this State, may, by articles of agreement in writing, under their hands and seals, associate for that purpose, under a name to be assumed by them in their articles of association: *Provided,* That no <sup>Proviso.</sup>

**Further proviso.**

two shall assume the same name: *And provided further*, That any association, or company of individuals, now owning property for the purpose aforesaid, may be incorporated under and by complying with the provisions of this act.

**Title amended.**

Sec. 2. The title of said act shall be amended so as to read as follows: An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks, and parks kept for ornament, recreation, or amusement.

Sec. 3. This act shall take immediate effect.

Approved February 21, 1871.

[ No. 17. ]

**AN ACT** to provide for the election of two circuit court commissioners in counties having a population of twenty thousand or more, and to legalize the election of two circuit court commissioners in certain counties at the general election in eighteen hundred and seventy.

**Two circuit court commissioners.**

SECTION 1. *The People of the State of Michigan enact*, That in each county in this State wherein the census taken by the authorities of this State, or of the United States, shows a population of twenty thousand or more, there shall be elected at the general election next succeeding the taking of such census, and every two years thereafter, two circuit court commissioners, who shall severally be vested with such judicial powers, not exceeding those of a circuit judge at chambers, and perform such ministerial duties as are or may be vested in or required of circuit court commissioners by law.

**When may be elected.**

**Powers of.**

**Prior elections of, declared valid.**

Sec. 2. That where, in any such counties, an election was held for two circuit court commissioners at the general election held in November, in the year one thousand eight hundred and seventy, and the board of county canvassers declared two

persons to be elected as such circuit court commissioners, by their having received a larger number of votes therefor than any other candidates, the said elections are hereby confirmed and declared valid: *Provided however,* That nothing herein *Proviso.* contained shall preclude any person contesting the election of any one so declared elected, on the ground that the person receiving the certificate of election was not entitled to such office by being one of the two persons receiving the largest number of votes cast at such election.

Sec. 3. That if in any county where two circuit court commissioners were so voted for and declared elected, the board of county canvassers neglected or refused to designate which of such persons should succeed to the office heretofore held by the circuit court commissioner for such county, or by each circuit court commissioner for such county in case there were two, the circuit judge of the judicial circuit in which such county may be is hereby authorized to make such designation, with the same effect as if the same had been made by the board of county canvassers, as contemplated by "An act to provide for an additional circuit court commissioner in certain counties," approved March sixteenth, eighteen hundred and sixty-one.

Proceedings  
when county  
canvassers  
neglect to  
designate  
the persons  
which shall  
succeed to  
the office.

Sec. 4. This act shall take immediate effect.

Approved February 21, 1871.

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[ No. 18. ]

AN ACT to amend section two hundred and fourteen of an act entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts of justices of the peace,'" approved February thirteenth, eighteen hundred and fifty-five, being section three thousand eight hundred and sixty-six, of chapter one hundred and seventeen, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact,* That section two hundred and fourteen of an act entitled "An act

Section  
amended.

to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled ‘Of courts of justices of the peace,’” approved February thirteenth, eighteen hundred and fifty-five, being section three thousand eight hundred and sixty-six, of chapter one hundred and seventeen, of the compiled laws, be so amended as to read as follows:

*Judgment against appellant may also be entered against surety.* (3866.) Sec. 214. In all cases where judgment shall be rendered against the appellant in the circuit court, or in the supreme court, the same may, on motion of the appellee made before judgment against the appellant, be entered against both appellant and surety, and be collected on execution against them as in ordinary cases of judgment against two or more:

*Proviso. When surety not liable.* *Provided first,* That no such surety shall be liable upon an execution issued upon a judgment rendered upon a judgment

*Second proviso.* so entered on motion: *And provided secondly,* That no execution issued on a judgement so entered on motion, against

*When execu-  
tion may  
be levied on  
property of  
surety.* appellant and surety, shall be levied on the property of the surety unless such execution, if issued in the circuit court, is issued within thirty days, or if issued in the supreme court,

*Third proviso.  
How time  
may be ex-  
tended.* within ninety days, from the time when the same shall be legally issuable: *And provided lastly,* That either of said periods of thirty days and ninety days may be extended by stipulation signed and acknowledged by the surety, and filed with the clerk of the circuit court where judgment on appeal was given, and recorded at length in the common rule-book, for such length of time as shall be specified in such stipulation.

Approved February 21, 1871.

## [No. 19.]

**AN ACT** to amend section thirty-nine (39), of chapter ninety-one (91), of the revised statutes of eighteen hundred and forty-six, the same being section three thousand six hundred and forty-five, chapter one hundred and sixteen, of the compiled laws, relating to probate courts.

**SECTION 1.** *The People of the State of Michigan enact,* That Section amended. section thirty-nine (39), of chapter ninety-one (91), of the revised statutes of eighteen hundred and forty-six, the same being section three thousand six hundred and forty-five, of chapter one hundred and sixteen, of the compiled laws, relative to probate courts, be amended so as to read as follows:

(3645.) SEC. 39. Each county shall provide all books, printed blanks, and other stationery necessary for keeping the records in the office of the judge of probate. County to furnish books, etc., for judge of probate.

Approved February 21, 1871.

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## [No. 20.]

**AN ACT** to amend section three (3), of chapter seventy-seven (77), of the revised statutes of eighteen hundred and forty-six, the same being section three thousand and forty-one, of chapter one hundred and one, of the compiled laws, relating to the sale of lands for the payment of debts by executors, administrators, and guardians.

**SECTION 1.** *The People of the State of Michigan enact,* That Section amended. section three (3), of chapter seventy-seven, of the revised statutes of eighteen hundred and forty-six, the same being section three thousand and forty-one, of chapter one hundred and one, of the compiled laws, be amended so as to read as follows:

(3041.) Sec. 3. If it shall appear by such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the debts outstanding against the Proceedings when personal estate is insufficient to pay debts.

Duty of  
judge of  
probate.

deceased, and the expenses of administration, and that it is necessary to sell the whole or some portion of the real estate for the payment of such debts, the judge of probate shall thereupon make an order directing all persons interested in the estate to appear before him at a time and place therein to be specified, not less than four weeks and not more than eight weeks from the time of making such order, to show cause why a license should not be granted to the executor or administrator applying therefor to sell so much of the real estate of the deceased as shall be necessary to pay such debts.

Approved February 21, 1871.

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[ No. 21. ]

AN ACT to amend section four of the "Act supplementary to an act entitled 'An act to establish the Detroit House of Correction, and authorize the confinement of convicted persons therein,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section four of "An act supplementary to an act entitled 'An act to establish the Detroit House of Correction, and authorize the confinement of convicted persons therein,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven, being act number one hundred and thirty-one of the session laws of eighteen hundred and sixty-seven, be and is hereby amended so as to read as follows:

Duty of  
superinten-  
dent to safely  
keep person  
sentenced.

Sec. 4. Whenever any court of the United States, or any officer thereof, shall order or sentence any person, upon conviction, to be confined in the Detroit House of Correction for any period of time, or for want of bail, or for any other cause, it shall be the duty of the superintendent to receive such person, and him or her safely and securely keep until the

terms of such order or sentence are fully complied with, and it shall be the duty of the superintendent safely and securely to keep all such persons as have heretofore been received by him by virtue of any process, order, or sentence of any court of the United States, or of any officer thereof, in compliance with such process, order, or sentence.

Sec. 2. This act shall take immediate effect.

Approved February 24, 1871.

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[ No. 22. ]

AN ACT to amend section five of an act entitled "An act to authorize the formation of corporations for the running, booming, and rafting of logs," approved February fourth, eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section five of an act entitled "An act to authorize the formation of corporations for the running, booming, and rafting of logs," approved February fourth, eighteen hundred and sixty-four, be amended so as to read as follows:

Sec. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and in no case shall be less than ten thousand dollars, nor more than two hundred thousand dollars, and shall be divided in shares of one hundred dollars each; the capital stock and the number of shares may be increased at any meeting of the stockholders called for that purpose: *Provided,* The amount so increased shall not, with <sup>Capital stock; amount of how fixed.</sup> <sup>Value of shares.</sup> *Proviso.* existing capital, exceed two hundred thousand dollars.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 23. ]

**AN ACT** making an appropriation for the support of the State Agricultural College, to pay the arrearages of the same, to pay the expenses of the State Board of Agriculture.

Appropriation for support of College and expenses of Board.

Additional appropriation for arrearages; how drawn and expended.

**SECTION 1.** *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State Treasury, the sum of seventeen thousand dollars for the year one thousand eight hundred and seventy-one, and the sum of seventeen thousand dollars for the year one thousand eight hundred and seventy-two, for the use and support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture; also, six thousand dollars to pay the arrearages of the State Agricultural College; which said moneys shall be expended under the direction and control of said State Board of Agriculture, so far as may be necessary for the purposes aforesaid, and shall be drawn from the Treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State treasury.

**Sec. 2.** This act shall take immediate effect.

Approved February 27, 1871.

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[ No. 24. ]

**AN ACT** to cause an act entitled "An act to authorize the consolidation of mining corporations" to take immediate effect.

Amended

**SECTION 1.** *The People of the State of Michigan enact,* That an act entitled "An act to authorize the consolidation of mining corporations," approved January 27, eighteen hundred and seventy-one, be and the same is hereby amended by adding thereto a new section, to stand as section six:

**Sec. 6.** This act shall take immediate effect.

**Sec. 2.** This act shall take immediate effect.

Approved March 1, 1871.

## [ No. 25. ]

AN ACT to amend section one of an act entitled "An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan," approved August fourth, eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section one of an act entitled "An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan," approved August fourth, eighteen hundred and seventy, be and the same is amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That <sup>Authorized to borrow money.</sup> it shall be lawful for any city or incorporated village in this State to borrow any sum of money to be used exclusively for the purpose of purchasing grounds, rights, privileges, materials, and in making improvements connected with, and for the sole purpose of supplying such city or village, and the inhabitants thereof, with water: *Provided,* That the total <sup>Proviso.</sup> sum borrowed and raised by tax by any such municipality the first year shall not exceed ten per cent of the assessed valuation of such municipality, as contained in the last preceding assessment roll of the same: *And provided,* That no more <sup>Additional proviso.</sup> than five per cent shall be borrowed during any one year thereafter, and that the rate of interest shall not exceed ten per <sup>Amount to be borrowed in one year.</sup> cent upon any indebtedness contracted under the provisions <sup>Rate of interest.</sup> of this act.

Sec. 2. This act shall take immediate effect.

Approved March 3, 1871.

## [ No. 26. ]

## AN ACT to provide for an insurance on the State library.

*Amount appropriated.* SECTION 1. *The People of the State of Michigan enact,* That the sum of one thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for an insurance of the State library.

*How paid.* Sec. 2. There shall be paid out of the State treasury each year, for the period of two years, the sum of five hundred dollars, for an insurance of the State library.

*State Auditors to procure insurance.* Sec. 3. The Board of State Auditors are hereby authorized to procure an insurance on the State library, each year, for the period of two years from the passage of this act, in some responsible company, or companies, and the money appropriated for the insurance herein provided for and authorized shall be drawn from the treasury by the Board of State Auditors, upon the warrant of the Auditor General, and shall be expended for the purposes aforesaid.

Sec. 4. This act shall take immediate effect.

Approved March 3, 1871.

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## [ No. 27. ]

## AN ACT to provide a punishment for the unlawful taking of logs, masts, and spars.

*Liability of persons taking logs, etc.* SECTION 1. *The People of the State of Michigan enact,* That every person who shall take, carry away, or otherwise convert to his own use, without the consent of the owner, any log suitable to be sawed or cut into boards, clapboards, shingles, joists, or other lumber, or any mast or spar the property of another, whether the owner thereof be known or unknown, lying and being in any river, pond, bay, stream, inlet, lake, or bayou, or on or near the shore or bank thereof, or cut out, alter, or destroy any mark made thereon without the consent of the

owner, and with intent to claim the same, he shall be liable to the owner for three times the value thereof, to be recovered in an action of trover or trespass, in any court of competent jurisdiction.

Sec. 2. If any person shall willfully take and convert to his own use, either by himself or another in his employment, any such log, mast, or spar, lying or being as aforesaid, for the purpose of being driven to a market or place of manufacture, shall be deemed guilty of larceny, and punished accordingly.

Approved March 6, 1871.

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[ No. 28. ]

AN ACT to amend an act entitled "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, and relative to the continuance of suits."

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, and relative to the continuance of suits," being act number one hundred and twenty-four, session laws of eighteen hundred and sixty-five, approved March eighth, eighteen hundred and sixty-five, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That the following days, viz: the first day of January, commonly called New Year's Day, the twenty-second day of February, commonly called Washington's birth-day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas Day, and any day appointed or recommended by the Governor of this State or the President of the United States, as a day of fasting and prayer, or thanksgiving, shall, for all certain days considered as is Sunday, for certain purposes.

**Proviso.** purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, made after this act shall take effect, also for the holding of courts, be treated and considered as is the first day of the week, commonly called Sunday: *Provided*, That in case any of

**Further proviso relative to return or adjourn day of any suit etc.** said holidays shall fall upon a Sunday, then the Monday following to be considered as the said holiday: *Provided*, That in case the return or adjourn day in any suit, matter, or hearing before any court, shall come on any day so appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, such suit, matter, or proceeding, commenced or adjourned as aforesaid, shall not by reason of coming on any day recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, abate, but the same shall stand continued on the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, or a holiday, when in such case the same shall stand continued to the day next succeeding said first day of the week or holiday, at the same time and place.

Approved March 6, 1871.

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[ No. 29. ]

AN ACT making appropriations for the State Normal School

**Amount of appropriation.**

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund the sum of fifteen thousand dollars for the year eighteen hundred and seventy-one, and fifteen thousand dollars for the year eighteen hundred and seventy-two, which sums are hereby appropriated to the Normal School interest fund, and shall be

drawn from the treasury in the manner now provided by law ~~How drawn.~~  
in relation to that fund.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

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[No. 30.]

AN ACT making appropriation for the erection of a new hall for the University of Michigan, and to levy a tax therefor.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State Treasury the sum of thirty-seven thousand five hundred dollars for the year one thousand eight hundred and seventy-one, and the sum of thirty-seven thousand five hundred dollars for the year one thousand eight hundred and seventy-two, for the purpose of erecting a new hall for the University of Michigan, to be used chiefly for recitation and lecture rooms for the academical department of the University, which said moneys shall be expended under the direction of the Board of Regents of the University of Michigan, and shall be drawn from the treasury on the presentation of the proper voucher of the treasurer of said board to the Auditor General, and on his warrant to the State Treasurer. And no money shall be drawn by virtue of this act by such Regents, unless they shall have first filed with the Auditor General an estimate and statement, showing the purpose for which such money is required, and none shall be drawn further than is required to pay for labor done or materials furnished.

Sec. 2. For the purpose of raising said sums the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-one the sum of thirty-seven thousand five hundred dollars, and he shall also add to and incorporate with the State tax for the year one

thousand eight hundred and seventy-two the sum of thirty-seven thousand five hundred dollars, which sums when collected shall be passed to the credit of the University fund, and shall be drawn as provided by law for the object mentioned in section one of this act.

Approved March 6, 1871.

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[No. 31.]

**AN ACT** to amend section five, of chapter twenty-three, of the revised statutes of eighteen hundred and forty six, being section ten hundred and seventeen, of chapter twenty, of the compiled laws, entitled "Of persons liable to work on the highways, and making assessments therefor."

Section amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section five, chapter twenty-three, of the revised statutes of eighteen hundred and forty-six, being section ten hundred and seventeen, of chapter twenty, of the compiled laws, be and the same is hereby amended so as to read as follows:

Highway labor; how and by whom estimated. Who to be assessed.

(1017.) Sec. 5. In making the estimate and assessment of highway labor the commissioners shall proceed as follows:

*First.* Every male inhabitant in each road district, being above the age of twenty-one and under the age of fifty,—except pensioners of the United States, and other soldiers and sailors honorably discharged, who are disabled from performing manual labor by reason of wounds received or disease contracted while in the service of the United States, paupers, idiots, and lunatics,—shall be assessed one day.

Residue of highway labor; how apportioned.

*Second.* The residue of the highway labor to be assessed, not exceeding one day's work upon one hundred dollars of the valuation, shall be apportioned upon the estate real and personal of every inhabitant in each of the road districts in such township, and upon each tract or parcel of land in the respec-

tive road districts of which the owners are non-residents, as the same shall appear by the assessment roll.

*Third.* The commissioners shall affix to the name of each person named in the lists furnished by the overseers, and not assessed upon the assessment roll, and also to each valuation of property within the several road districts, the number of days which such person or property shall be assessed for highway labor, adding one day to the assessment of each person liable to a poll-tax, and assessed upon the township assessment roll.

Commissioners;  
duties of.

To fix num-  
ber of days  
persons and  
property  
shall be  
assessed.

Approved March 6, 1871.

[ No. 32. ]

AN ACT to amend section five, of chapter fifty-eight, of the compiled laws of eighteen hundred and fifty-seven, in relation to "Charitable societies."

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
section five, of chapter fifty-eight, of the compiled laws, be so amended as to read as follows:

Sec. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying ensuing expenses), for the exclusive purpose set forth in the articles of association, and no portion of the funds of such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, or any city, county, State, or United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided,* That any such corporation

How funds  
shall not be  
invested.

Amount  
corporation  
may take by  
gift; how  
invested.

<sup>Articles of  
agreement  
may specify  
how to in-  
vest.</sup> may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles or agreement, then such funds shall only be invested in such securities as are specified in this act.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

[ No. 33. ]

**AN ACT** to amend section twenty-two, of chapter twenty-one, of the compiled laws, as enacted by act number seventy-one of the session laws of eighteen hundred sixty-nine, approved March thirtieth, eighteen hundred sixty-nine, relating to the duties of overseers of highways and commissioners of highways.

<sup>Section  
amended.</sup>

**SECTION 1.** *The People of the State of Michigan enact,* That section twenty-two, of chapter twenty-one, of the compiled laws, as enacted by act number seventy-one of the session laws of eighteen hundred sixty-nine, approved March thirtieth, eighteen hundred sixty-nine, relating to duties of overseers of highways and commissioners of highways, be and hereby is amended so as to read as follows:

<sup>Returns of  
overseers of  
highways;  
commis-  
sioner to  
procure.</sup>

**Sec. 22.** The commissioner of highways whose term of office will soonest expire shall, between the first and fifteenth of November in each year, call upon each overseer of highways of his township for the purpose of procuring the returns mentioned in sections fifteen and seventeen of this chapter, and shall deposit the returns mentioned in section fifteen of this chapter with the supervisor of his township, whose duty it shall be to enter the value of such delinquent highway tax so returned on the assessment roll of his township, under its

<sup>To be depos-  
ited with  
supervisor.  
Supervisor  
to enter on  
assessment  
roll.</sup>

appropriate heading, and against the description of property so delinquent.

Approved March 10, 1871.

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[ No. 34. ]

AN ACT to amend section one hundred and fifty, of chapter one hundred and seventeen, of the compiled laws of eighteen hundred and fifty-seven, entitled "Of courts held by Justices of the peace," approved February thirteenth, eighteen hundred and fifty-five, being section three thousand eight hundred and two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
section one hundred and fifty of an act entitled "An act to amend chapter ninety three of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of peace,'" approved February thirteenth, eighteen hundred and fifty-five, being section three thousand eight hundred and two, in chapter one hundred and seventeen, of the compiled laws, be and the same is amended so as to read as follows:

(3802.) Sec. 150. The party against whom any judgment shall be recovered may stay the execution thereon until the expiration of the time hereinafter prescribed, by giving to the party in whose favor judgment was obtained, and filing with the justice within five days after the justice shall be authorized to issue execution thereon, security in writing, with one or more sufficient sureties satisfactory to the judgment creditor or the justice, for the payment of the money, with interest and costs, at or before the expiration of four months from the commencement of the suit, if such money shall not exceed fifty dollars exclusive of costs, and at or before the expiration of six months, if such money exceeds fifty dollars exclusive of costs.

Approved March 15, 1871.

[ No. 35. ]

## AN ACT to provide for the purchase of books for the State library.

**Amount appropriated.** SECTION 1. *The People of the State of Michigan enact,* That the sum of five hundred dollars be and the same is hereby appropriated out of any money in the State treasury to the credit of the general fund, not otherwise appropriated, for the purchase of books for the State library.

**How drawn.** Sec. 2. The money so appropriated shall be drawn from the State treasury upon the warrant of the Auditor General, and shall be expended by the State librarian for the purpose aforesaid.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1871.

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[ No. 36. ]

## AN ACT to amend section six, of chapter ninety-nine, of the revised statutes of eighteen hundred and forty-six, being section four thousand one hundred and sixty, in chapter one hundred and twenty-four, of the compiled laws of eighteen hundred and fifty-seven, relative to pleadings and set-offs.

**Section amended.** SECTION 1. *The People of the State of Michigan enact,* That section six, of chapter ninety-nine, of the revised statutes of eighteen hundred and forty-six, being section four thousand one hundred and sixty, in chapter one hundred and twenty-four, of the compiled laws, be amended so as to read as follows:

**Suit may be brought against all parties to a note, etc.** (4160.) Sec. 6. It shall be lawful for the holder of any bill of exchange or promissory note, instead of bringing separate suits against the drawers, makers, guarantors of the payment thereof, endorsors and acceptor of such bill or note, to include all or any of the said parties to the bill or note in one action.

and to proceed to judgment and execution in the same manner as though all defendants were joint contractors. Judgment and execution; how proceed to.

Approved March 15, 1871.

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[ No. 37. ]

AN ACT making the actions of trespass and trespass on the case, transitory in certain cases.

SECTION 1. *The People of the State of Michigan enact,* That Defendant may be prosecuted in any county. in all cases of trespass upon lands, and in all cases of trespass on the case, for direct or consequential damages on account of injury to personal property, when the defendant is not an actual resident of the county in which such lands are situate, or when such county is unorganized at the time of committing such trespass, the action of trespass, or trespass on the case, may be prosecuted and maintained at law in any county where such defendant may be, as fully and effectually in all respects as if commenced and prosecuted in the county where such trespass was committed.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 38. ]

AN ACT to repeal act number one hundred and fifty-three, session laws eighteen hundred and fifty-one, being sections two hundred, two hundred and one, two hundred and two, and two hundred and three, chapter seven, of the compiled laws, entitled "An act relating to the State library."

SECTION 1. *The People of the State of Michigan enact,* Act repealed That act number one hundred and fifty-three, session laws eighteen hundred and fifty-one, being sections two hundred, two hundred and one, two hundred and two, and two hundred and three, chapter seven, of the compiled laws, approved

April eighth, 1851, entitled "An act relating to the State library," be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 39. ]

AN ACT to amend section six, of chapter ninety-one, of the revised statutes of eighteen hundred and forty-six, being section three thousand six hundred and twelve, in chapter one hundred and sixteen, of the compiled laws, relative to the jurisdiction of judges of probate.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section six, of chapter ninety-one, of the revised statutes of eighteen hundred and forty-six, being section three thousand six hundred and twelve, in chapter one hundred and sixteen, of the compiled laws, be and the same is hereby amended so as to read as follows:

Jurisdiction of probate judge.

(3612.) Sec. 6. The judge of probate shall have jurisdiction of all matter relating to the settlement of the estates of such deceased persons, and of such minors, and others under guardianship: *Provided however,* That the jurisdiction hereby conferred shall not be construed to deprive the circuit court in chancery, in the proper county, of concurrent jurisdiction as originally exercised over the same matters.

Proviso.  
Circuit court  
in chancery,  
not deprived  
of jurisdic-  
tion.

Approved March 18, 1871.

## [ No. 40. ]

AN ACT to amend sections one and two, of act number three hundred, of session laws of eighteen hundred and fifty, being sections one hundred and ninety-three and one hundred and ninety-four, chapter seven, of the compiled laws, entitled "An act to provide for the better management and care of the State library."

SECTION 1. *The People of the State of Michigan enact,* That <sup>Sections amended.</sup> sections one and two, of act number three hundred, of session laws of eighteen hundred and fifty, being sections one hundred and ninety-three and one hundred and ninety-four, chapter seven, of the compiled laws, be amended so as to read as follows:

SECTION 1. That a State librarian shall be appointed by the Governor, by and with the consent of the Senate, who shall hold the office for the term of two years, whose salary shall be fixed at the sum of eight hundred dollars per year, payable monthly, out of the State treasury, upon warrant of the Auditor General, and whose duty it shall be to have the sole care and charge of the library, and the affairs pertaining thereto, and who shall make a biennial report to the Legislature at the commencement of each regular session thereof, as to its condition, and the number and description of the volumes contained therein.

Sec. 2. That the State librarian shall within twenty days after the passage of this act, and also on the first Monday of January in each and every year thereafter, preceding the regular or biennial session, make out and deliver to the Auditor General a full catalogue of all the books at such time belonging to the State library, in his possession, which catalogue shall be published biennially for the use of the Legislature.

Approved March 18, 1871.

## LAWS OF MICHIGAN.

[ No. 41. ]

**AN ACT** to provide for the transmission of the official publications of the State to the free library of the city of Detroit, and the Houghton County Historical Society and Mining Institute.

*Secretary of  
State to send  
laws, etc.*

**SECTION 1.** *The People of the State of Michigan enact,* That the Secretary of State be and he is hereby required to send copies of all the laws, journals, and documents of the Legislature, and of all other official documents hereafter published, to the public library of the city of Detroit, and to the Houghton County Historical and Mining Institute.

*Idem.*

Sec. 2. The Secretary of State is also authorized to furnish to said public libraries copies of such official documents heretofore published, as in his judgment can be so furnished without detriment to the interests of the State.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1871.

[ No. 42. ]

**AN ACT** relative to the construction of acts legalizing taxes, assessments, and tax and assessment rolls.

*Irregulari-  
ties not  
legalized un-  
less distinct-  
ly stated.*

**SECTION 1.** *The People of the State of Michigan enact,* That no act of the Legislature legalizing any tax or assessment, or any tax or assessment roll, and which shall hereafter become a law, shall be construed as extending to the legalization of any irregularity or defect which is not distinctly stated and set forth in such act.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

## [ No. 43.]

AN ACT to reorganize the eighth, and to create the seventeenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* <sup>Seventeenth circuit.</sup>  
That the counties of Kent and Barry shall be formed into and be one judicial circuit, to be known and designated as the seventeenth judicial circuit.

Sec. 2. That the counties of Ionia, Clinton, and Montcalm <sup>Eighth cir-</sup>  
<sup>cuit.</sup> shall be formed into and be one judicial circuit, to be known as the eighth judicial circuit.

Sec. 3. The qualified voters of the counties of Kent and Barry shall, on the first Monday of April in the year of our Lord one thousand eight hundred and seventy-one, at the regular township meetings to be held in the respective townships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the first day of May, in the year eighteen hundred and seventy-one, and ending on the first day of January, in the year eighteen hundred and seventy-six, and until his successor is elected and qualified.

Sec. 4. The judge of the present eighth judicial circuit shall continue to hold his office as judge of the eighth judicial circuit, as herein reorganized, for the balance of his unexpired terms, and shall continue to hold his terms in the counties of Kent and Barry until the first day of May next.

Sec. 5. It shall be the duty of the sheriff[s] of the counties of Kent and Barry, at least five days' previous to the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-one, to notify the township clerks of the several townships in the said counties of Kent and Barry of the election aforesaid for circuit judge, and the township clerks shall post notices in the usual manner for such elections in their townships, at least three days previous to the day of election.

Sec. 6. The said election for circuit judge shall be conducted and returns made, as provided by law for the election of judges

*Canvass of votes.* for the several judicial circuits of this State; and the State canvasser shall, without delay, on receipt of the certified statement of the votes given in the said counties of Kent and Barry, proceed to canvass said votes, and deliver (to) the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said judicial circuit unless he shall be a resident thereof.

*Judge to fix time of holding court.* Sec. 7. The judges of said judicial circuits shall have power, on or after the first Monday of May, eighteen hundred and seventy-one, to fix the time for holding the terms of courts in the counties of their respective circuits, and to give the usual notice thereof through the newspapers, and they shall hold the terms of court therein at the times so fixed; but until so fixed they shall hold them at the times now appointed, and shall have jurisdiction of all judgments, decrees, records, files, books, papers, suits, prosecutions, causes, and proceedings then pending and being in the circuit courts for the several counties comprising the respective circuits.

*To give notice.* Sec. 8. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 9. This act shall take immediate effect.

Approved March 20, 1871.

[ No. 44. ]

AN ACT to reorganize the tenth judicial circuit, and to create the eighteenth judicial circuit.

*Tenth circuit.* SECTION 1. *The People of the State of Michigan enact,* That the counties of Saginaw, Midland, Gratiot, Clare, and Isabella are hereby formed into one judicial circuit, to be known and designated as the tenth judicial circuit; and that the counties of Bay, Iosco, Alcona, and Alpena are hereby formed into one judicial circuit, to be known as the eighteenth judicial circuit.

Sec. 2. The qualified voters of the counties of Bay, Iosco, Judge of Alcona, and Alpena shall, on the first Monday in April, in the year eighteen hundred and seventy-one, at the regular township meetings to be held in the respective townships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the first day of May, in the year one thousand eight hundred and seventy-one, and ending on the first day of January, eighteen hundred and seventy-six, and until his successor shall be elected and qualified.

Time of election and term of office.

Sec. 3. The judge of the present tenth judicial circuit shall continue to hold his office as judge of the tenth judicial circuit, as herein reorganized, for the balance of his unexpired term, and shall continue to hold courts throughout his present circuit until the first day of May, in the year one thousand eight hundred and seventy-one.

Time judge of present tenth circuit to retain office in tenth as re-organized.

Sec. 4. It shall be the duty of the sheriffs of the several counties mentioned in the second section of this act, at least five days previous to the first Monday in April, in the year one thousand eight hundred and seventy-one, to notify the township clerks of the several townships in their respective counties of the election aforesaid of circuit judge, and the township clerks shall post notices, in the usual manner, for such election in their townships, at least three days previous to the day of election.

Election; sheriffs to notify.

Township clerks to post notices.

Sec. 5. The said election for circuit judge shall be conducted and returns made as provided by law for the election of judges for the several judicial circuits of this State, and the State canvassers shall, without delay, on the receipt of the certified statement of the votes given in the said counties of Bay, Iosco, Alcona, and Alpena, proceed to canvass said votes, and deliver to the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said eighteenth judicial circuit unless he shall be a resident thereof.

Manner of conducting.

Canvass of votes.

Judge to be resident of circuit.

Judge of  
tenth; time  
of election  
and term of  
office.

Sec. 6. The qualified electors of the counties of Saginaw, Midland, Isabella, Clare, and Gratiot shall, on the first Monday in April, in the year eighteen hundred and seventy-one, at the regular township meetings to be held in the respective townships in said counties of Saginaw, Midland, Isabella, Clare, and Gratiot, at that time, elect a circuit judge, who shall hold his office until the first day of January, in the year eighteen hundred and seventy-six, and until his successor shall be elected and qualified.

Election;  
sheriffs to  
notify.

Sec. 7. It shall be the duty of the sheriffs of the counties of Saginaw, Midland, Isabella, Clare, and Gratiot, at least five days previous to the first Monday in April, in the year one thousand eight hundred and seventy-one, to notify the township clerks of the several townships in their respective counties of the election aforesaid for circuit judge, and the said township clerks shall post notices, in the usual manner, for such elections in their townships, at least three days previous to the day of election. The said election of circuit judge of said tenth judicial circuit shall be conducted and returns made as provided by law for the election of judges for the several judicial circuits of this State, and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the said counties, proceed to canvass said votes, and deliver to the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said tenth judicial circuit, unless he shall be a resident thereof.

Clerks to  
post notices.

Manner of  
conducting.

Canvass of  
votes.

Judge to re-  
side in cir-  
cuit.

Acts re-  
pealed.

Sec. 8. All acts or parts of acts contravening any of the provisions of this act, are hereby repealed.

Sec. 9. This act shall take immediate effect.

Approved March 20, 1871.

## [ No. 45. ]

AN ACT to amend sections one, two, and six of an act entitled "An act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils," approved April third, eighteen hundred and sixty-nine, being act number one hundred and twenty-eight of the session laws of eighteen hundred and sixty-nine, and to add thereto a new section, to stand as section eight of said act.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Sections amended.</sup> sections one, two, and six of an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils," approved April third, eighteen hundred and sixty-nine, being act number one hundred and twenty-eight of the session laws of eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* In any county of the State wherein any illuminating oils are manufactured for the purpose of burning in any kind of lamp as an illuminator, or where the same is sold for that purpose, the Governor, upon the application of five or more persons, residents of said county, shall appoint a suitable person, who is not interested in manufacturing, dealing, or vending any or either of said oils, whose duty it shall be to examine and test the quality of <sup>Duties of</sup> all such oils that he shall be requested to examine and test by any manufacturer, vender, or dealer, and if upon such testing or examination the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz: "Approved," <sup>How he shall mark barrels or casks.</sup> with the date, over his official signature, upon the package, barrel, or cask containing the same, and it shall be lawful for any manufacturer, vender, or dealer to sell the same as an illuminator; but if the oil so tested shall not meet said requirements, he shall make in plain letters on said package, cask, or barrel, over his official signature, the words "Rejected for illuminating purposes," and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes.

To provide  
necessary  
apparatus.

What to re-  
port as  
dangerous.

Proviso.

Term of  
office.  
Duties.

Compensa-  
tion.

To keep  
record of oils  
inspected.

Deputy to  
make report  
to principal

Oils inspec-  
ted in other  
States to be  
free from in-  
spection.

Sec. 2. It shall be the duty of the inspector to provide himself, at his own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oil, and when called upon for that purpose, to promptly inspect all of hereinbefore mentioned, and to report as dangerous all of which, at the temperature of one hundred and ten degrees Fahrenheit's thermometer, will emit an explosive gas, or take fire on applying thereto or plunging therein a well lighted match: *Provided*, The quantity of oil used in this test shall not be less than half a pint; and it shall be the duty of said inspector to designate by his brand, the temperature at which said oil will ignite.

Sec. 6. The term of office of an inspector shall be for two years; and every inspector or deputy inspector shall, upon the requisition of any manufacturer, dealer, or vender of the oils herein mentioned, proceed, without unnecessary delay, to the inspection thereof, and said inspector shall be entitled to demand and receive from the owner or the party calling upon him, the sum of four cents for each and every package, barrel or cask inspected and branded by him; and it shall be the duty of every inspector to keep a true and accurate record of all oils so inspected and branded by him and by his deputies which record shall state the date of inspection, the number of gallons or barrels, and the name of the person for whom inspected, and the record shall be open to the inspection of any and all persons interested. And it shall be the duty of every deputy inspector, within four days after the inspection of any oils hereinbefore mentioned, by him, to make a true return thereof to his principal.

Sec. 8. It shall not be necessary for any person to have inspected, under the provisions of this act, oils brought into the State from any other of the United States, which have been inspected under the laws of any other such State, if the package, cask, or barrel in which the same is brought into the State shall bear a brand or device of the State inspector.

deputy State inspector of such other State, showing that the contents thereof have been approved and stand a fire test of one hundred and ten degrees of Fahrenheit's thermometer. And if any person within this State shall bond, mark, or place upon any package, cask, or barrel, any device with intent to show that the contents thereof have been inspected in any other State, or if any vender, dealer, or manufacturer of any or either of said illuminating oils shall use packages, casks, or barrels having the brand of the inspector of another State thereon, without having the oil inspected, or without the same having been inspected as in this section specified, the person so offending shall be subject to a penalty in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Penalty for  
placing  
marks on  
barrel or  
cask to de-  
ceive.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1871.

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[ No. 46. ]

AN ACT making appropriation for the erection of a chemical laboratory for the State Agricultural College.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State treasury the sum of ten thousand dollars, for the purpose of building a chemical laboratory for the State Agricultural College, which said moneys herein appropriated shall be expended under the direction of the State Board of Agriculture, so far as may be necessary for the purpose aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Amount ap-  
propriated.

How ex-  
pended.

How drawn.

Sec. 2. This act shall take immediate effect.

Approved March 25, 1871.

[ No. 47. ]

## AN ACT to provide for the uniform inspection of lumber.

Districts  
constituted.

SECTION 1. *The People of the State of Michigan enact,* That each organized county within this State shall constitute a district for the inspection of lumber therein, except the counties of Saginaw and Bay, which shall constitute one district, to be known as the Saginaw district: *Provided,* That two or ~~Two or more~~ more counties adjoining each other, and not having an inspector general, may be united in one district, if the several boards of supervisors of such counties shall by resolution approve such union, and in such case it shall be the duty of the several clerks of such counties to transmit to the clerk of each of the other of such counties, and to the Governor, a certified copy of such resolution adopted by the board of supervisors of his county, before any application shall be made for the appointment of an inspector general in such district.

Inspector;  
appointment  
of.

Sec. 2. There shall be appointed for each district an inspector general of lumber, who shall be appointed by and shall hold his office during the pleasure of the Governor, but shall not be removed without sufficient cause: *Provided,* That no such appointment shall be made, except in the Saginaw and Muskegon districts, until the same shall be requested by the board or boards of supervisors of the county or counties composing such district. And the board or boards of supervisors shall only request such appointment after the application of not less than two-thirds of the lumber manufacturers in any proposed

Conditions  
precedent to  
appointment

district. Any vacancy in said office may be filled by the Governor; and every inspector general, deputy inspector, and sub-inspector appointed under the provisions of this act shall, before entering upon the duties of his office, take and subscribe the oath prescribed by article eighteen of the constitution of this State. Each inspector general, before entering upon the duties of his office, shall execute a bond to the people of the State of Michigan, in the penal sum of fifteen thousand dollars, with sufficient sureties, to be approved by a circuit judge, con-

Vacancy;  
how filled.

Oath of  
office.

Bond.

ditioned for the faithful and impartial discharge of the duties <sup>To be ap-</sup>  
of his office, accounting for and paying over according to the <sup>proved by</sup>  
<sup>circuit judge</sup> law, of all moneys received by him, and for the delivery to his  
successor of all bills, books, papers, and effects belonging to  
his said office. The official oath and bond of the inspector <sup>where filed.</sup>  
general shall be filed in the office of Secretary of State; and  
the official oaths of every deputy inspector and sub-inspector  
shall be filed in the office of the clerk of the county in which  
he resides.

Sec. 3. Each inspector general shall reside within the district <sup>To reside in</sup>  
to which he is appointed, and shall keep such offices and at  
such locations within his district as the board or boards of  
supervisors within such district shall direct. The inspector <sup>Where office</sup>  
general for the Saginaw district shall keep an office in each of <sup>to be kept.</sup>  
the cities of Saginaw, East Saginaw, and Bay City, and shall <sup>Deputies;</sup>  
appoint two deputy inspectors, each of whom shall have charge <sup>subject to</sup>  
of an office of such inspector general, and who shall be subject <sup>control and</sup>  
to the control of and to removal by the inspector general. The <sup>removal by</sup>  
inspector general shall make such rules and regulations as he <sup>Rules and</sup>  
may deem necessary to carry into effect the provisions of this <sup>regulations.</sup>  
act as are not inconsistent therewith; and he shall cause the  
inspection to be as uniform as is practicable. It shall be the <sup>Description</sup>  
duty of each inspector general, deputy, and sub-inspector, in <sup>of qualities.</sup>  
determining the quality and quantity of lumber inspected by  
him, to place the same in that class or quality, as hereinafter  
defined, to which it approaches the nearest in description and  
value, at all times using the description of qualities contained  
in this act as the standard for comparison.

Sec. 4. Each inspector general shall appoint such number of <sup>Inspector to</sup>  
deputies and sub-inspectors as may be necessary to discharge <sup>appoint</sup>  
the duties of his office, for whose conduct, fidelity, and impar-<sup>deputies and</sup>  
tiality in the discharge of their duties, he and his sureties shall <sup>sub-inspec-</sup>  
be held responsible. Upon the appointment of any deputy or <sup>tors and</sup>  
sub-inspector by the inspector general, such deputy or sub- <sup>be held</sup>  
inspector shall execute a bond to such inspector general in such <sup>responsible</sup>  
<sup>for their con-</sup>  
<sup>duct.</sup> <sup>Bond; con-</sup>  
<sup>ditions of.</sup>

sum as the inspector general may require, conditioned for the faithful performance of the official duties that may devolve upon him, and the true accounting for all moneys that may come into his hands. Upon the appointment of any sub-

Commission Term of office. inspector by the inspector general, he shall grant under his hand and seal a commission confirming such appointment, and the same shall remain in force one year from the date thereof,

Certificates of inspection; official seal, etc. unless revoked by the inspector general. The inspector general and his deputies shall have power to issue certificates of inspection upon the return being made by the sub-inspector to the office of the inspector general; and the inspector general shall keep an official seal for each office kept by him, and a record of all lumber measured and inspected in his district.

Qualifications for the office. Sec. 5. All inspectors general, deputy, and sub-inspectors, shall be men of experience in the business of inspecting lumber; and none of them shall be directly or indirectly interested in the business of buying or selling lumber, either for himself or for other parties; nor shall any inspector general, deputy, or sub-inspector receive other than the legal compensation for inspecting lumber; and no person shall directly or indirectly offer to an inspector general, deputy, or sub-inspector any sum of money, or gratuity, for his services, other than the fees allowed by this act: *Provided*, That nothing herein contained

Not to receive other than legal compensation. Proviso. shall prevent the selection of a sub-inspector by the parties to the sale of lumber, notice to be given in writing to an office of inspector general, naming such selection; and such sub-inspector shall be detailed to make such inspection, if not otherwise engaged.

Parties to the sale of lumber may select sub-inspector. Sec. 6. The inspector general or his deputies are hereby empowered to collect all legal fees from the parties for whom inspection or measurement has been performed by all sub-inspectors under this act; and to pay said inspector for such labor performed the fees hereinafter provided. He is empowered to collect at the same time an additional amount of four cents on each and every thousand feet of lumber so inspected

Collection of fees to pay sub-inspectors.

Additional fee to create a fund.

and measured, the latter amount to create a fund for the purpose of paying all salaries, office expenses, printing, stationery, and all other expenses incurred in carrying into effect the provisions of this act, except fees of sub-inspectors for the work of inspection : *Provided*, That all bills for inspection shall be payable on delivery of the certificate of inspection by the seller of lumber ; and the inspector general shall pay all salaries of his deputies and fees of sub-inspectors monthly. The inspector general, after having paid all salaries and expenses as herein mentioned out of the fund created for said purpose, shall report any surplus, if any, and shall distribute the same as soon as practicable to the sellers of lumber from whom the same may have been collected during the previous year, pro rata upon the amount of lumber inspected or measured for each : *Provided also*, That in no case shall any salaries or deficiency be paid from the State treasury.

Sec. 7. The inspector general is hereby required to make and transmit to the Governor of this State, on or before January first, of each year, a report of the business transacted for said year, giving the amount of lumber inspected and measured in his district, showing uppers, commons, and culls, the amount of receipts, also the amount paid, inspection fees, salaries, office and other expenses, and such other information that he may deem proper, or which may be required. The offices, books, and papers are to be at all reasonable times open to inspection by the chairman of the board of supervisors of any county embraced in the district.

Sec. 8. The inspector general and deputies of the Saginaw district shall be paid for their respective services as follows, viz : Inspector general, a salary of three thousand five hundred (\$3,500) dollars per annum ; the deputy inspectors, two thousand (\$2,000) dollars per annum. And in the Muskegon and other districts organized under this act, the salaries of the inspector general and his deputies shall be fixed by the board or boards of supervisors, upon the application of two-thirds ( $\frac{2}{3}$ )

**Proviso.** of the lumber manufacturers of said district, said salaries to be paid monthly: *And provided,* That in no case such salaries and the expenses of said office shall exceed the four (4) cents per thousand feet provided in section six (6).

**Classification.** Sec. 9. All merchantable white pine lumber shall be classified as follows, for the purpose of inspection: First clear, second clear, third clear, common, and shipping culls; and boards six inches wide shall be known as strips. Norway pine shall be classified as common and shipping culls, except as hereinafter provided.

**Clear lumber.** Sec. 10. *First Clear Lumber*—Shall not be less than eight inches wide, twelve feet long, and one inch thick, and at such width, and up to ten inches wide, shall be free from all imperfections. If the width is twelve inches, defects shall be allowed that will equal knots in the aggregate of one inch in diameter, or sap that will be equal to one and one-half inches on one surface. If the width is sixteen inches, defects shall be allowed that will be equal to knots in the aggregate of two inches in diameter, or sap that will be equal to two inches on one surface. If the width is twenty inches, defects shall be allowed that will be equal to knots in the aggregate of two and one-half inches in diameter, or sap that will be equal to three inches in width on one surface. The inspector shall take particular notice, and shall allow a due proportion of defects for all pieces of widths between or above the given standard; also, shall allow additional defects as the lengths increase above twelve feet long, in proportion to such increased dimensions. He shall also allow as follows in each of the three grades of clear lumber, viz: for each additional half inch in thickness, additional defects in proportion that shall be equal to knots in the aggregate of one-quarter of an inch more in diameter, or sap that will be equal to one-quarter of an inch more in width. All the pieces shall be well manufactured, and of full thickness (all knots to be sound), and all sap to be free from black stain that is of such character that cannot be removed by dressing.

And no piece shall be allowed with more than one straight split, and that to be not over one-fifth of the length of the piece, which shall be counted as one defect;

*Second Clear Lumber*—Shall be not less than eight inches wide, twelve feet long, and one inch thick, and at such width and up to ten inches wide, defects shall be allowed that will be equal to knots in the aggregate of three-quarters of an inch in diameter, or sap that will be equal to three-quarters of an inch in width on one surface. If the width is twelve inches, defects shall be allowed that will be equal to knots in the aggregate of one and a half inches in diameter, or sap that will be equal to three inches in width on the edges. If the width is sixteen inches, defects shall be allowed that will be equal to knots in the aggregate of two and a half inches in diameter, or sap that will be equal to four inches in width on the edges. If the width is twenty inches, defects shall be allowed that will be equal to knots in the aggregate of three inches in diameter, or sap that will be equal to five inches in width on the edges. A straight split shall be allowed in this quality, as before provided, in boards of the width of twelve inches and over, and counted as one defect;

*Third Clear Lumber*—Shall not be less than seven inches wide, twelve feet long, and one inch thick, and at such width and up to ten inches, defects shall be allowed that will be equal in injury to a knot one and one-half inches in diameter, or sap that will be equal to one and one-half inches in width on the best side. If width is twelve inches, defects shall be allowed that will be equal in injury to a knot of two and one-half inches in diameter, or sap that will be equal to two inches wide on the best side. If the width is sixteen inches, defects shall be allowed that will be equal in injury to a knot of four inches, or sap that will be equal to four inches wide on the best side. If the width is twenty inches, defects shall be allowed that will be equal in injury to a knot of five inches in diameter, or sap that will be equal to six inches on the best side; but sap in

no case to exceed one-half the surface on the poorest side. In this quality shall be included pieces ten feet long, and not to have more than a due proportion of defects; also, all pieces six inches wide and more than one inch thick, with not more than two small sound knots, or sap more than one inch in width on one side;

*First clear strips.*

*First Clear Strips*—Shall be six inches wide, one inch thick, and not less than twelve feet in length, and free from all imperfections;

*Second clear strips.*

*Second Clear Strips*—Shall be the length, width, and thickness of first clear, and may have two small sound knots, or if no knots, then sap equal to one inch in width on one edge of one side;

*Third clear strips.*

*Third Clear Strips*—Shall be of the width and thickness of first clear strips, and may have three (3) small sound knots with sap one inch on one side; but if no more than three small sound knots, then sap equal to two inches on one side may be allowed; to be free from rot, split, and shake. First and second clear Norway strips of full width and thickness, and first and second clear white pine strips ten feet in length, also first and second clear strips rejected on account of thickness, and not less than five inches in width, shall be classed in this quality;

*Common lumber.*

*Common Lumber*—Shall include all boards, planks, scantling, strips, joists, and timber, and lumber not otherwise defined, which is not as good as third clear, but is generally of a sound character, well manufactured, of full thickness, and free from large loose knots, and bad shakes, that show on both sides of the piece. Scantling, joists, and timber must be free from imperfections which so weaken the piece that it cannot be used for substantial building purposes. Scantling, joists, and timber made from worm-eaten logs, and pieces with a small streak of rot, when not so badly damaged as to render the same unfit for ordinary uses of common lumber, shall belong to this quality. One straight split shall be allowed, provided it does not exceed

one-quarter the length of the piece. Pieces that have not more than two auger holes which are placed near the end of the piece shall be allowed in this quality, provided they are measured in lengths of even numbers of feet between said auger holes, and conform in all other respects to the requirements of this quality. No lumber under ten feet in length shall be considered as merchantable;

*Shipping Culls*—Shall constitute the lowest grade of shipping culls. merchantable lumber, and shall include all lumber not as good as common, which can be used for ordinary purposes without a waste of more than one-half;

*Mill Culls*—Shall include all lumber not as good as shipping mill culls. All boards or plank over twelve inches in width, of which one end shall be wider than the other, shall be measured at a point one-third its length from the narrow end, to determine its width, and all such boards and plank less than twelve inches in width shall be measured at the narrow end. All lumber over ten feet, up to and including twenty feet long, shall be measured in length of even number of feet, and all over twenty feet long, each additional foot in length shall be counted, unless it shall be otherwise agreed by the buyer and seller. No fractional part of a square foot shall be counted, except in the measurement of joists, scantling, or timber.

Sec. 11. Merchantable lumber may be measured and inspected in either of the three classes following, viz: the first class shall be an inspection of the lumber in the five qualities aforesaid, and the fee for such inspection and measurement shall be twenty-five cents per thousand feet. The second class shall be an inspection of the lumber in three qualities, of which the first, second, and third clear shall form one, which shall be denominated uppers, and the other two shall be common and shipping culls, as aforesaid, and the fee for such measurement and inspection shall be twenty-five cents per thousand feet. The third class of inspection shall be in one quality, which shall include the five qualities first mentioned, and shall be

Merchant-  
able lumber ;  
how meas-  
ured, inspec-  
ted, and fees  
for same.

**denominated straight measure, and the fee for such measurements shall be fifteen cents per thousand feet. The fee for measuring and inspection, including the fee mentioned in section six, of lumber, shall be borne equally by buyer and seller, unless otherwise agreed.**

**Fees; by whom borne.**

**Inspector to mark inspected lumber if required.** Sec. 12. Whenever required to do so, the inspector shall mark on each piece of lumber inspected by him, the quantity and quality thereof, using such letters or characters therefor as the inspector general may by rule prescribe. And the fee for such marking shall be ten cents in addition to that herein provided for the class of inspection, and shall be paid by the party requesting such marking to be done. All orders for inspection shall be filed in the office of the inspector general, and in districts with more than one office, the order shall be filed in that most convenient for the seller of the lumber; and

**Orders for inspection; when filed.**

**Returns of inspection; when made.**

returns thereto of such inspection must be made by the sub-inspector within twelve hours after the completion of such inspection, if practicable.

**Inspector's record and the certificate of inspection; what they shall show.**

**Such record or copy, prima facie evidence of the facts.**

**Tally-lists returned.**

Sec. 13. The inspector's record, and the certificate of inspection, shall show the names of the buyer and the seller, the place and date of inspection, the quantity of each quality, and, if inspected for shipment by water, the name of the boat or vessel on which it was shipped, and the name of the sub-inspector by whom inspected. And such record, or a copy thereof, certified by the inspector general or a deputy inspector, under the official seal of such inspector general, and every certificate of inspection, shall be *prima facie* evidence of the facts therein stated. All original tally-lists kept of inspection and measurement of lumber, under the provisions of this act, shall be returned by the officer making such inspection with his return to the office of the inspector general.

**Who shall inspect; and how inspection shall be made.**

Sec. 14. No pine lumber sold for shipment by water, in any district having an inspector general, shall be inspected by any person other than the inspector general, or a deputy, or sub-inspector for such district. Nor shall it be inspected into any

other qualities than such as are herein named, unless such lumber shall be manufactured to order or under a contract, to be less than one inch, or over two inches, in thickness.

Sec. 15. Whenever any person interested in an inspection of lumber by any inspector shall be dissatisfied with such inspection, such person shall make complaint thereof to the inspector general, or deputy, who shall thereupon, without delay, inquire into the matter of such complaint, and determine upon the proper inspection to be made, and he shall substitute another sub-inspector to continue the work of such inspection, if either party interested therein shall require a change.

Sec. 16. Every person who shall willfully violate any of the provisions of this act shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars.

Sec. 17. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 18. This act shall take immediate effect.

Approved March 25, 1871.

[ No. 48. ]

**AN ACT** to amend section six of an act entitled "An act to accept the grant of lands made to the State of Michigan by the United States, to aid in the construction of a military road from Fort Wilkins, Copper Harbor, to the Wisconsin line, by way of Houghton, on Portage lake, and to provide for the laying out and construction of the same," approved February fourth, eighteen hundred and sixty-four.

**SECTION 1.** *The People of the State of Michigan enact,* That section six of an act entitled "An act to accept the grant of lands made to the State of Michigan by the United States, to aid in the construction of a military road from Fort Wilkins, Copper Harbor, to the Wisconsin line, by way of Houghton, on Portage lake, and to provide for the laying out and con-

struction of the same," approved February fourth, eighteen hundred and sixty-four, be and the same is hereby amended so as to read as follows:

*Contracts; how payable.*

Sec. 6. All contracts made by virtue of this act shall be payable only in land granted to the State by the act of Congress hereinbefore mentioned, to be selected under and according to rules prescribed by the board of control; and no lands shall be conveyed to any contractor until he has completed at least two consecutive miles of road, according to his contract, to the satisfaction of the commissioner, and to be certified by him to said board of control, upon whose allowance the proper patents, under the great seal of the State, in the usual form, shall be issued to such contractor or his assignee, for the amount of lands awarded under his contract, in proportion to the length of road completed. And all lands conveyed by the State to any contractor to aid in the construction of said military road shall be exempt from taxation for and during a period of five years from and after the date of their conveyance by the State to such contractor or the time when he shall be entitled to such conveyance, but the provisions of this act shall not apply to any lands heretofore sold by the contractor.

Sec. 2. This act shall take immediate effect.

Approved March 25, 1871.

[ No. 49. ]

AN ACT to prescribe notice by county clerks to the Attorney General in criminal cases.

*Duty of  
clerks of  
supreme  
court.*

*Notice to  
Att'y Gen'l  
when writ of  
error or cer-  
tiorari is  
issued.*

SECTION. 1. *The People of the State of Michigan enact,* That it shall be the duty of the clerks of the supreme court, whenever they issue a writ of error or *certiorari* in which the people are a party, forthwith to notify the Attorney General, stating in each notice the names of all the parties to such writ, the name of the attorney for plaintiff in error, the date of issue, and when the same is made returnable.

Sec. 2. It shall be the duty of the county clerk of the county to which such writ shall be directed, and also where a case is made before judgment, when the bill of exceptions or the case made is signed and filed in his office, to notify the Attorney General forthwith of such filing, and in such notice to give the names of all the parties to such writ or case made, and the name of the attorney for plaintiffs in error.

County clerk to notify Attorney General of filing of bill of exceptions.

Contents of notice.

Sec. 3. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 50. ]

AN ACT to amend section one, of act number one hundred and sixty-eight, of the session laws of eighteen hundred and sixty-nine, entitled "An act to define the powers and duties of highway commissioners in certain cases."

SECTION 1. *The People of the State of Michigan enact,* That section one, of act number one hundred and sixty-eight, of the session laws of eighteen hundred and sixty-nine, entitled "An act to define the powers and duties of highway commissioners in certain cases," be and the same is hereby amended so as to read as follows:

SECTION 1. That in any case where the Legislature has, or shall grant power to a board of special commissioners to lay out any road, and said commissioners shall not, for the term of one year or more after the time of such appointment, have laid out and proceeded to open said road, it shall be lawful for the highway commissioners of the townships of this State to proceed to lay out and open highways on any such grounds, in the same manner as if no special commissioners had been authorized: *Provided,* That this act shall not affect or be construed to legalize in any manner any action or proceeding

Section amended.

Proceedings when special commissioners fail to lay out road.

Highway commissioners to lay out

Proviso.

done or performed by the highway commissioners prior to the passage of the act of which this act is amendatory.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 51. ]

AN ACT to amend section twenty-three of an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-three of an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April third, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Companies  
to possess  
certain  
amount of  
capital.

Sec. 23. It shall not be lawful for any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall first appoint an attorney in this State on whom process of law can be served, which process shall issue from the courts of this State, and such courts shall have exclusive jurisdiction of all cases arising under this act, and shall file in the office of the Secretary of State a certified copy of the vote or resolution of the directors appointing such attorney, which appointment shall continue until another attorney be substituted; and in case any such insurance company shall cease to transact business in this

Those of  
other States  
and foreign  
govern-  
ments to ap-  
point attor-  
ney.

Courts of  
this State to  
have exclu-  
sive juris-  
diction of  
cases under  
this act.

State according to the laws thereof, the agent last designated, or acting as such for such corporation, shall be deemed to continue agent for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State, and service of such process for the causes aforesaid upon any such agent shall be deemed a valid personal service upon such corporation; and shall also file a certified copy of its charter, or deed of settlement, together with a statement under the oath of the president or vice-president and other chief officer, and secretary, of the company for which he or they may act, stating the name of the company and place where located; the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank, or in the hands of agents; the amount of real estate, and how much the same is encumbered by mortgage; the number of shares of stock of every kind owned by the company, the par or market value of the same; amount loaned on bond and mortgage; the amount loaned on other security, stating the kind, and the amount loaned on each, and the estimated value of the whole amount of such securities; any other assets or property of the company; also, stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and any other claims existing against the company; also, a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of fifteen per cent thereof while such deficiency shall continue; nor shall it be lawful for any person to act as agent for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of fire or inland navigation insurance in this State without procuring or receiving from the Secretary of State a

When company withdraws who to be considered agent.

Company to file certified copy of charter and statement.

Contents of statement.

Assets, real estate, shares of stock, etc.

Indebtedness, losses, and claims.

Copy of last report.

Limit of impairment.

Every agent to hold certificate of authority.

certificate of authority, stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of the attorney appointed to act for the company. A certified copy of such certificate of authority, ~~copy of authority to be filed with county clerk.~~ shall be published in some paper of general circulation in the State, four successive times after the filing such statement as aforesaid, and within thirty days thereafter proof of such publication, by the affidavit of the publisher of such newspaper, his foreman, or clerk, shall be filed in the office of the said Secretary of State. The statements and evidences of investments required by this section shall be renewed from year to year, in such manner and form as may be required by said Secretary of State, with an additional statement of the amount of premiums received and losses incurred upon fire and marine risks separately, in this State, during the preceding year, so long as such agency continues; and the said Secretary of State, ~~Secretary of State to furnish renewal of his certificate as aforesaid.~~ on being satisfied that the capital, securities, and investments remain secure, as hereinbefore provided, shall furnish a renewal of his certificate as aforesaid; and the agent or agents obtaining said certificate shall file a certified copy of the same in the office of the clerk of the county in which such agency shall be established, within thirty days after receiving the same. Any violation of any of the provisions of this section shall subject the company violating to a penalty of five hundred dollars for each violation, and the additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication, or to file such affidavits and statements as are herein required. Every agent of any fire insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town, or village in which the company is located, and the State or government under the laws of which it is organized. The term agent or agents, used in this section, shall include any ~~copy of authority to be filed with county clerk.~~

~~shall also be published.~~

~~Statements to be renewed each year.~~

~~Additional statement of premiums and losses on fire and marine risks separately.~~

~~Secretary of State to furnish renewal of his certificate as aforesaid.~~

~~Penalty for violation of law.~~

~~Contents of advertisements of agency.~~

acknowledged agent, surveyor, broker, or any other person or whom the persons who shall in any manner aid in transacting the insurance business of any insurance company not incorporated by the laws of this State. The provisions of this section shall apply to all foreign insurance companies, partnerships, associations, and individuals, whether incorporated or not. To whom the term "agent," shall include.

**Sec. 2.** This act shall take immediate effect.

Approved March 29, 1871.

[No. 52.]

**AN ACT** ceding the jurisdiction of this State over certain lands owned by the United States.

**SECTION 1.** *The People of the State of Michigan enact,* That the jurisdiction of this State is hereby ceded to the United States of America, over all such pieces or parcels of land within the limits of this State as have been or shall hereafter be selected and acquired by the United States, for the purpose of erecting postoffices, custom-houses, or other structures exclusively owned by the general government, and used for its purposes: *Provided*, Proviso. That an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the Governor of this State: *And provided further*, That this cession is upon Further proviso. the express condition that the State of Michigan shall so far retain concurrent jurisdiction with the United States, in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process issued by any court of competent jurisdiction, or officers having authority of law to issue such process, and all orders made by such court, or any judicial officer duly empowered to make such orders, and necessary to be served upon any person, may be executed upon said lands, Right to execute process on lands or in buildings erected thereon, not ceded.

and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Lands ex-  
empt from  
taxes.

Sec. 2. The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments, so long as the same shall remain the property of the United States.

Sec. 3. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 53. ]

**AN ACT** to amend an act entitled "An act to regulate express companies and their agents, and individuals prosecuting the express business, not incorporated by the State of Michigan," approved March twenty-seven, eighteen hundred and sixty-seven, by adding two new sections thereto.

Sections  
added.

**SECTION 1.** *The People of the State of Michigan enact,* That the act entitled "An act to regulate express companies and their agents, and individuals prosecuting the express business, not incorporated by the State of Michigan," approved March twenty-seven, eighteen hundred and sixty-seven, be and the same is hereby amended by adding two new sections thereto, to be known as sections five and six of said act, as follows:

Statement of  
companies of  
other States  
to mention  
laws they  
are incor-  
porated  
under.

Powers of  
such com-  
panies.

Sec. 5. Any express company, corporation, or association prosecuting the express business in this State, not incorporated by the laws thereof, shall, if incorporated or organized under the laws of any other State, or of any foreign government, mention in the statement required by the first section of this act to be filed, the law or laws under which they claim to be so incorporated or organized. Such companies, corporations, or associations may be sued and may sue in the name set forth in such statement, and may hold, use, and employ such real and personal property as may be actually used or employed in whole or in part in the carrying on of such

business, and proper and necessary therefor, and may convey the same.

Sec. 6. Any such company, corporation, or association, not incorporated under the laws of this State, and any individual who is not a resident of this State, and any copartnership the members of which are all or in part non-residents of this State, shall, prior to the issuing or renewal of the certificate by the State Treasurer, make and execute, under seal, a power of attorney, authorizing an attorney or attorneys in this State, on whom process of law can be served. Such power of attorney shall be acknowledged before some officer authorized by law of this State to take acknowledgments of deeds, and shall be filed in the office of the State Treasurer, and a certified copy thereof shall be filed in the office of the clerk of the county where such attorney or attorneys reside, or have his or their office. Such appointment shall continue until another attorney shall be substituted, and a new power of attorney duly acknowledged, and a certified copy thereof shall be filed as above provided. Process may be served on such attorney for the purpose of commencing actions upon any liability or indebtedness incurred or contracted while such company, corporation, or association, individual, or copartnership transacted business in this State. Such corporation, company, associations, individuals, and members of such copartnership shall, for the purposes of suits, be deemed residents of the county in which such suits shall be commenced, and such service shall be deemed a valid personal service upon such company, corporation, or association, individual, or persons composing such copartnership.

To appoint attorneys.  
Power of attorney; how acknowledged and where filed.  
Continuance of the appointment.  
When process may be served on attorney.  
Corporations deemed residents of any county for purposes of suits.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

## [ No. 54. ]

AN ACT to amend section fifty-seven, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, being section four thousand three hundred and ninety-nine, in chapter one hundred and twenty-eight, of the compiled laws, relative to the verdict of juries.

*Section amended.*

SECTION 1. *The People of the State of Michigan enact,* That section fifty-seven, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, being section four thousand three hundred and ninety-nine, in chapter one hundred and twenty-eight, of the compiled laws, relative to the verdict of juries, be and the same is hereby amended so as to read as follows:

*When jury not to be compelled to give general verdict.* (4399.) Sec. 57. No jury shall be compelled in any case to give a general verdict, so that they may not find a special verdict showing the facts respecting which the issue is joined.

*When and how court to instruct jury concerning verdict upon particular questions of fact.* and therein require the judgment of the court upon such facts; and in all cases where an issue of fact is tried before any court of record, the court shall, at the request in writing of the counsel of either party, instruct the jury, if they return a general verdict, also to find upon particular questions of fact to be stated in writing, and may direct a written finding

*Such verdict to be filed, etc.* thereon. The special verdict or finding shall be filed with the clerk, and entered upon the minutes; and when a special finding of fact shall be inconsistent with a general verdict, the former shall control the latter, and the court shall give judgment accordingly.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

## [ No. 55. ]

AN ACT to repeal section twelve, of act number three hundred and four, laws of eighteen hundred and sixty-five, entitled "An act to encourage the erection and support of water-power manufactories," approved March twenty-first, eighteen hundred and sixty-five, as amended by act number one hundred and thirty-nine of laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact,* That section repealed.  
section twelve, of act number three hundred and four, of the session laws of eighteen hundred and sixty-five, entitled "An act to encourage the erection and support of water-power manufactories," approved March twenty-first, eighteen hundred and sixty-five, and amended by act number one hundred and thirty-nine, session laws eighteen hundred and sixty-seven, be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

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## [ No. 56. ]

AN ACT to amend sections three and six, of act number three hundred and four, session laws eighteen hundred and sixty-five, entitled "An act to encourage the erection and support of water-power manufactories."

SECTION 1. *The People of the State of Michigan enact,* That sections amended.  
sections three and six, of act number three hundred and four, session laws eighteen hundred and sixty-five, entitled "An act to encourage the erection and support of water-power manufactories," approved March twenty-first, eighteen hundred and sixty-five, be and the same are hereby amended so as to read as follows:

~~Proceedings  
when the  
parties to  
the petition  
do not agree  
upon the  
judgment to  
be rendered  
thereon.~~

~~Height of  
dam.~~

~~Damages to  
respondent.~~

~~Return to  
circuit court.~~

~~Either party  
may move  
for jury to  
re-assess the  
damages.~~

~~Damages  
the same as  
the assessed  
value of the  
land.~~

Sec. 3. The petition, unless the parties thereto shall agree upon the judgment that shall be rendered thereon, shall be heard and decided by a committee of three judicious, disinterested freeholders of the county, to be appointed by the circuit court of the county at such time and place, and with such notice to those interested, as the circuit court shall order, and if such committee shall be of opinion that the flowing such land in the manner proposed is or will be for public use, they shall establish the height to which such dam may be built or kept, and thereby the water raised the length of time or period during which the same may be kept up in each year thereafter, and shall assess the sum to be paid to the respondent by the petitioners for the right to flow such land according to their report, and make return of their doings to the court; and in estimating the damages they shall take into account any damage occasioned to any other land of the respondent, as well as damage to the land overflowed, and, having assessed such damage, shall make return of their doings to said circuit court, and said court shall then confirm the said sum as the amount to be paid for such right to flow land.

Sec. 6. Either party may move for a jury to re-assess the damages reported by the committee, and the court shall order the same to consist of the same number, and to be drawn in the same manner, and the proceedings attending their action shall be conducted in the same manner as when a jury is sent out by such court to appraise lands for railroad purposes, and the said court shall confirm the amount by said jury assessed as the value of the land as the measure of damages to be paid for flowing the land described in the petition.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 57. ]

**AN ACT** to provide for the union and consolidation of the  
Churches of Christ.

**SECTION 1.** *The People of the State of Michigan enact,* That whenever two or more incorporated Churches of Christ shall desire to become united and consolidated into one church, having and possessing corporate powers and privileges, a committee, to be composed of not less than three nor more than five members from each of such churches, appointed by a three-fourths vote of the members of each of such churches present at meetings of said churches, notice of which meetings shall have been given to such churches on two Sundays immediately preceding, may execute and acknowledge before any officer authorized to take acknowledgement of deeds, a certificate, which shall contain:

*First.* The name of the proposed corporation; Name.

*Second.* The township, or city, and county in which it is located.  
located;

*Third.* That each of such churches at duly called meetings, pursuant to notice as above, did by a three-fourths vote of all the members of such churches present at such meetings, elect to become united and consolidated with the other church or churches named in the certificate;

*Fourth.* The names of the corporations which propose to become united and consolidated; Names of corporations

*Fifth.* The election of such churches, manifested by a majority vote of the members present at duly called meetings of such churches, pursuant to notice as above, whether the corporate power shall be vested in the elders and deacons thereof, the deacons alone, or in such persons as may be elected trustees in the manner prescribed for the appointment of the aforementioned committee, and whether the pastor of such church shall or shall not be a member of such corporation;

Committee  
from each  
church.

May execute  
certificate.

Contents of  
same.

Statement of  
vote to con-  
solidate.

The election  
of such  
churches as  
to whom the  
corporate  
power shall  
vest in.

**And whether their acts shall be subject to the control of the church.** *Sixth.* The election of such churches, whether the acts of those persons named for the exercise of their corporate power shall or shall not be subject to be controlled by the church;

**Other items.** *Seventh.* Any other items which are made part of the terms or conditions of said union and consolidation.

**By whom signed.**

Sec. 2. Such certificate shall be signed by the aforementioned committee, and when duly acknowledged by the signers thereof shall be recorded in the office of the county clerk of the county named therein, and thereupon the pastor, elders, and deacons, the pastor and deacons, the elders and deacons, the deacons alone, or the trustees elected as aforesaid, shall become a corporation by the name represented in said certificate.

**All liabilities, etc., of either, to remain in force against the united church.**

Sec. 3. All dues, demands, contracts, and liabilities of either of such churches, shall be and remain in force against the united church in like manner as when originally incurred by such churches under other names and designations; and all property, real or personal, belonging to or held in trust by either of such churches, shall be and is hereby vested in the united church.

**Government in other matters.**

Sec. 4. In all others matters not specified in this act, such united churches shall be governed by an act of the Legislature, approved March twenty-seventh, in the year one thousand eight hundred and sixty-seven, entitled "An act to provide for the incorporation of Churches of Christ."

Sec. 5. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 58. ]

## AN ACT to provide for the incorporation of trust, deposit, and security companies.

**Seven persons may form a company.**

**SECTION 1. *The People of the State of Michigan enact.*** That any number of persons, not less than seven, may associate together to form an incorporated company for the purpose of carrying on a trust, deposit, and security business under

the provisions of this act, and with the powers herein conferred.

Sec. 2. The amount of the capital stock in any such corporation shall be fixed and limited by the associates in their articles of association, and shall not be less than fifty thousand dollars, nor more than two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each. When thirty thousand dollars of stock shall have been subscribed for, and that amount actually paid in, in cash, any association may organize and proceed to business under this act. The capital stock of any corporation organized under this act may be increased by a vote of two-thirds of the stockholders present or represented at any meeting called for the purpose, to any sum not exceeding five hundred thousand dollars.

Sec. 3. The persons so associating shall subscribe articles of association, which shall contain:

*First.* The names of the associates and their places of residence, respectively;

*Second.* The names by which the corporation shall be known, and the place where its principal office for the transaction of business is to be established;

*Third.* The purposes of the incorporation as mentioned in this act;

*Fourth.* The amount of capital stock actually paid in;

*Fifth.* The period for which such corporation is to be incorporated, not to exceed thirty years.

Sec. 4. The articles of association required by the last preceding section shall be recorded in the office of the Secretary of State, and a copy thereof filed in the office of the county clerk of the county where the principal office for the transaction of the business of any such corporation is to be established.

Sec. 5. All associations organized and established under this act shall be deemed bodies politic and corporate, capable of suing and being sued, and may have a common seal, and alter

and amend the same at pleasure, and may make from time to time such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the stockholders may determine upon.

Manner of calling first meeting.

Sec. 6. When any association shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper published at the place where the principal office for the transaction of business is to be located, at least fifteen days before the time appointed for such meeting.

Election of directors.

Sec. 7. The stock, property, and affairs of such corporation shall be managed by not less than seven directors, to be elected as the by-laws of such corporation shall determine, and to hold their offices for the period of one year, and until their successors shall be duly chosen; said directors shall choose one of their number president, and a majority of them convened according to the by-laws shall constitute a quorum for the transaction of business; said directors shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the current year.

How other officers shall be chosen.

Sec. 8. All other officers necessary for the transaction of the business of such corporations shall be chosen in such manner as the by-laws thereof shall prescribe.

Corporate rights.

Sec. 9. Any corporation organized under this act shall have power, in and by its corporate name, to accept and execute any trust which may be created by instruments in writing, appointing such corporation trustees for any lawful purpose, and to act as such trustee in all matters embraced in such trust; to take and receive from any individual or corporation, on deposit, for safe keeping and storage, gold and silver plate, jewelry, money, stocks, securities, and other valuable and personal property, and may have power to collect coupons, interests, and dividends on said above-described securities, and to rent out the use of safes and other receptacles on their premises

To act as trustee.

To receive money, etc., on deposit.

To rent use of safes.

upon such terms and for such compensation as may be agreed upon; to become security for administrators, guardians, or other trustees or persons, in cases where, by law or otherwise, <sup>To become security in certain cases</sup> one or more sureties are required, for a rate of compensation and upon such terms and conditions as shall be established by the directors of any such corporation.

Sec. 10. It shall be lawful for any such corporation to lease, <sup>May lease,</sup> purchase, hold, and convey all such real or personal estate as <sup>purchase,</sup> etc., real or personal estate. may be necessary to carry on its business, as well as such real or personal estate as it may deem necessary to acquire in the enforcement or settlement of any claims or demands arising out of its business transactions; execute and issue in the <sup>Execute and issue re-</sup> transaction of its business, all necessary receipts, certificates, <sup>ceipts, etc.</sup> and contracts, which shall be signed by such person or persons as may be designated by the by-laws of such corporation.

Sec. 11. The directors of any such corporation may call in the remainder of the capital stock not paid in when the corporation is formed, in such installments and at such times and places as they may deem proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice by publication in some newspaper published at the place where the principal office for the transaction of the business of such corporation is located.

Sec. 12. The board of directors are hereby authorized to invest the capital of the said corporation, and to keep the same invested in good securities; and it shall be lawful for said corporation to make such investment of its capital and of the funds accumulated by its business, or any part thereof, in bonds and mortgages on unencumbered real estate within

~~How capital may be invested.~~ the State of Michigan, and also in any or all stocks or bonds of this State or the United States, and also bonds of any county, township, city, village, and school district of this State legally authorized to issue such bonds.

~~On whom service of process may be made.~~ Sec. 13. Service of any legal process against any corporation formed under this act may be made on the president, secretary, or agent, or if neither of them can be found, by posting a copy thereof in some conspicuous place where the business of such corporation is transacted.

~~Shares of stock deemed personal property; how transferable.~~ Sec. 14. The shares of stock of the corporations established under this act shall be deemed personal property, and shall be transferable only on the books of such corporations in such manner as their by-laws shall prescribe.

~~Officers and stockholders individually liable for debts.~~ Sec. 15. The officers and stockholders of every corporation or association formed under this act shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably, to the extent of their respective shares of stock in any such corporation or association.

Sec. 16. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 59. ]

AN ACT to amend section fifty-six, of chapter fourteen, of the revised statutes of eighteen hundred and forty-six, being section three hundred and ninety-six, in chapter ten, of the compiled laws, in relation to reports of prosecuting attorneys.

~~Section amended.~~

SECTION 1. *The People of the State of Michigan enact,* That section fifty-six, of chapter fourteen, of the revised statutes of eighteen hundred and forty-six, being section three hundred and ninety-six, in chapter ten, of the compiled laws, be and the same is hereby amended so as to read as follows:

~~Contents of reports to Att'y Gen'l~~ Sec. 56. Each prosecuting attorney shall, on the thirty-first day of December, in each year, make and transmit to the

Attorney General a report, setting forth particularly the amount and kind of official business done by him in his county in the preceding year, the number of persons prosecuted, the crimes and misdemeanors for which prosecutions were had, the result thereof, and the punishment awarded.

Approved March 29, 1871.

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[ No. 60. ]

AN ACT to amend section forty (40) of an act entitled "An act to authorize the business of banking," approved February sixteenth, in the year of our Lord one thousand eight hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* Section  
amended. section forty (40) of an act entitled "An act to authorize the business of banking," approved February sixteenth, in the year of our Lord one thousand eight hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Sec. 40. The officers and stockholders of every corporation or association formed under this act shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably, to the extent of their respective shares of stock in any such corporation or association. Officers and  
stockholders  
individually  
liable for  
debts of  
corporation.

Approved March 29, 1871.

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[ No. 61. ]

AN ACT to amend section twenty-seven, of chapter one hundred and fifty-eight, of the revised statutes of eighteen hundred and forty-six, being marginal section five thousand eight hundred and eighty-two, in chapter one hundred and eighty-five, of the compiled laws, entitled "Of offenses against chastity, morality, and decency."

SECTION 1. *The People of the State of Michigan enact, That* Section  
amended. section twenty-seven, of chapter one hundred and fifty-eight,

of the revised statutes of eighteen hundred and forty-six, being marginal section five thousand eight hundred and eighty-two, in chapter one hundred and eighty-five, of the compiled laws, entitled "Of offenses against chastity, morality, and decency," be amended so as to read as follows:

Duty of  
sheriffs,  
marshals,  
etc., when  
religious  
meeting is  
disturbed.

Offender to  
be taken be-  
fore justice  
of the peace.

(5882.) Sec. 27. It shall be the duty of all sheriffs, and their deputies, coroners, marshals, constables, and other peace officers, all presiding elders, and ministers of the gospel, deacons, stewards, and official members of any church or religious society, who may be present at the meeting of any assembly for religious worship which shall be interrupted or disturbed in the manner herein prohibited, on sight to apprehend the offender, and take him before some justice of the peace, or other magistrate authorized to convict as aforesaid, to be proceeded against according to law.

Approved March 29, 1871.

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[ No. 62. ]

**AN ACT** to amend section one hundred and forty-six, of chapter ninety, of the revised statutes of eighteen hundred and forty-six, being section three thousand five hundred and ninety-nine, and chapter one hundred and fifteen, of the compiled laws, entitled "Of the courts of chancery."

Section  
amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section one hundred and forty-six, of chapter ninety, of the revised statutes of eighteen hundred and forty-six, being section three thousand five hundred and ninety-nine, and in chapter one hundred and fifteen, of the compiled laws, entitled "Of the courts of chancery," be and the same is hereby amended so as to read as follows:

(3599.) Sec. 146. It shall be the duty of the register, upon payment of the legal fees to him by the appellant, to make a copy of the bill, other pleadings, papers, and proceedings in the cause, and transmit the same to the clerk of the supreme court within thirty days after such appeal shall be perfected; and if an appellant shall neglect to pay to such register the fee for making such return for thirty days after such appeal has been perfected, he shall be deemed to have waived his appeal, and the appellee may at once proceed to enforce his decree the same as if no appeal had been taken.

Register to  
make copy  
of bill, etc.,  
and transmit  
same to clerk  
of supreme  
court.

When ap-  
pellant  
deemed to  
have waived  
appeal.

Approved March 29, 1871.

[ No. 63. ]

AN ACT to amend sections seven, eight, nine, and ten, of chapter eleven, of the compiled laws, entitled "Of resignations, vacancies, and removals from office, and of supplying vacancies."

SECTION 1. *The People of the State of Michigan enact,* That sections seven, eight, nine, ten, of chapter fifteen, of the revised statutes of eighteen hundred and forty-six, being sections four hundred and seventy-nine, four hundred and eighty, four hundred and eighty-one, four hundred and eighty-two, in chapter eleven, of the compiled laws, entitled "Of resignations, vacancies, and removals from office, and of supplying vacancies," be and the same is hereby amended so as to read as follows:

Sec. 7. The Governor may direct the Attorney General, or the prosecuting attorney of the county in which such officer may be, unless such prosecuting attorney be the officer charged, conduct an inquiry into the charges made, and the said Attorney General or such prosecuting attorney shall thereupon give at least eight days' notice to the officer accused, of the

Governor  
may order  
inquiries  
into the  
charges.

Notices to  
officer ac-  
cused.

*Copy of charges to be served.*

*Who may issue subpoenas.*

*Power to enforce obedience.*

*Accused entitled to like process of subpoena.*

*Sworn testimony of witnesses reduced to writing, read to and signed by, and certified to by officer, and transmitted to Governor.*

time and place at which he will proceed to the examination of witnesses in relation to such charges, before some circuit court commissioner, or judge of probate, for the same county, and he shall also, at the time of giving such notice, serve on the officer accused a copy of such charges.

Sec. 8. The Attorney General or prosecuting attorney may issue subpoenas, signed by him with his name of office, to compel the attendance of any witness whom he shall deem material before said circuit court commissioner, or judge of probate, and such commissioner or judge of probate shall have the same power to enforce obedience to such subpoena by attachment and to commit any person who shall refuse to be sworn or to answer, as the circuit court would have in a civil cause pending therein.

Sec. 9. On the application of the officer accused to the prosecuting attorney, or to any justice of the peace, he shall be entitled to the like process of subpoena, obedience to which may be enforced in the same manner, as provided in the last preceding section, by the commissioner or judge of probate before whom the witness may be conducted.

Sec. 10. At the time and place therein specified in the notice the commissioner or judge of probate before whom such inquiry shall be conducted shall proceed to take the testimony of the witness produced before him by the Attorney General or prosecuting attorney and the officer accused, which witness shall be sworn by such commissioner or judge of probate, and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by a under the direction of such commissioner or judge of probate their testimony shall then be read to and subscribed by them and shall be certified by the commissioner or judge of probate taking the same, and delivered to the prosecuting attorney or Attorney General, who shall transmit the same to the Governor.

Approved March 29, 1871.

## [ No. 64.]

AN ACT to amend sections four and five, of chapter ninety-seven, of the revised statutes of eighteen hundred and forty-six, the same being sections forty-one hundred and ten and forty-one hundred and eleven, in chapter one hundred and twenty-two, of the compiled laws, relative to the service of declarations, subpoenas in chancery, and other papers.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Sections amended.</sup> sections four and five, of chapter ninety-seven, of the revised statutes of eighteen hundred and forty-six, the same being sections forty-one hundred and ten and forty-one hundred and eleven, in chapter one hundred and twenty-two, of the compiled laws, be so amended as to read as follows:

Sec. 4. When a copy of a declaration and notice of rule to plead, or a subpoena in chancery, or any other writ or paper, issued by a circuit court, shall be delivered to any sheriff, under <sup>Copy of declaration, etc., to be served with all convenient speed, and returned with certificate of officer serving.</sup> sheriff, or deputy to serve, it shall be the duty of such officer to serve the same with all convenient speed, and to return the same with his certificate endorsed thereon, of the time and manner of such service, either to the office of the proper clerk of the court in which such suit or proceeding may be pending, or to the attorney or solicitor whose name shall be endorsed on the declaration, subpoena, writ, or other paper.

Sec. 5. Such certificate of service, signed by the sheriff or his deputy, shall be as effectual to authorize the entry of the default of the defendant, in accordance with the rules and practice of such court, as if the same had been sworn to by such officer; and the return of any declaration, subpoena, writ, or other papers, delivered to such officer for service, may be enforced by rule and attachment, in the same manner as the return of a *capias*. <sup>Effect of certificate of service. Return may be enforced same as a capias.</sup>

Approved March 29, 1871.

[ No. 65. ]

**AN ACT to provide for judgment and costs in mandamus cases.**

Respondent entitled to judgment for costs, to be taxed as other cases.

**SECTION 1. *The People of the State of Michigan enact,***  
**That whenever judgments shall be entered against the relator in any proceedings for a writ of mandamus, in any court authorized to issue such writs, the respondent in such proceedings shall be entitled to a judgment for costs, to be taxed as other cases, against the relator, and his surety (if any), and may have execution thereof.**

Approved March 29, 1871.

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[ No. 66. ]

**AN ACT to amend section two thousand nine hundred and four, in chapter ninety-five, of the compiled laws, being section seven, of chapter seventy-one, of the revised statutes of eighteen hundred and forty-six, entitled "Of the inventory and collection of the effects of deceased persons."**

Section amended.

**SECTION 1. *The People of the State of Michigan enact,*** That section two thousand nine hundred and four (2904), in chapter ninety-five, of the compiled laws, being section seven, of chapter seventy-one, of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

Time executor or administrator shall be entitled to possession of personal estate.

**Sec. 2904. The executor or administrator shall be entitled to the possession of the personal estate of the deceased until assignment or distribution of the same to heirs, legatees, or other persons entitled thereto by order of the probate court, or until the estate is finally settled.**

Approved March 29, 1871.

[No. 67.]

Act No. 1871

AN ACT to provide for the erection of a new State capitol, and a building for the temporary use of the State offices.

SECTION 1. *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized to appoint, by and with the advice and consent of the Senate and House of Representatives in joint convention, three suitable persons to act and be known as State building commissioners, who shall constitute a board to be known as the "Board of State Building Commissioners," whose duty shall be to secure the erection of a new State capitol according to the provisions of this act:

*Provided however,* That the Governor shall be, *ex officio*, the presiding officer of said board, and shall have the right and opportunity to express his opinions and give his advice upon all measures or questions that may come before said board for consideration and determination, but who shall not be deemed a member of said board, only for the purpose of presiding over their deliberations at their regular and special meetings, and deciding questions by his vote thereon in case of a tie. The persons thus appointed shall be subject to removal by the Governor, and should any vacancy occur in said board, from death, resignation, or otherwise, the Governor shall fill the same by appointment, such appointment, however, to be subject to rejection or ratification by the Senate at the first session of the Legislature following such appointment.

Governor to appoint commissioners.

Proviso.  
Governor to be ex-officio, presiding officer.

Governor may remove members of the board and fill vacancies.

Appoint-  
ment subject  
to ratifica-  
tion by the  
Senate.

Sec. 2. Each of the members of said board, and likewise the Governor, shall be entitled to receive his actual traveling expenses and the sum of three dollars per day for the time actually spent in the discharge of his duties under this act.

Compensation.

Sec. 3. Each member of said board, excepting the Governor, before entering upon the discharge of his duties, shall take and subscribe, before the Secretary of State, the constitutional oath of office, and also an oath that he will not become a party to or interested in any contract for furnishing material or performing labor in or about the erection, construction, or furnishing

*When and where filed; also bond.*

*Amount of bond.*

*Board to meet at seat of government.*

*Vice-president.*

*Shall appoint superintendent and secretary.*

*Compensation of same.*

*Oath of office.*

*Bond.*

*Appropriation for temporary State offices.*

of any State building during the continuance of his office, which said oath, together with the bond hereinafter provided for, shall be filed in the office of the Secretary of State; and each member of said board, except the Governor, shall, within ten days after his appointment, enter into bond to the people of the State of Michigan in the penal sum of twenty-five thousand dollars, with proper security, conditioned for the due and faithful discharge of his duties.

Sec. 4. Immediately, or within ten days, after qualification as commissioners, the said board shall meet at the seat of government for the completion of its organization, and may elect one of their number vice-president, whose duty it shall be to presided [preside] over the meetings of said board in the absence of the Governor.

Sec. 5. The said board of commissioners shall appoint some proper person, not of their number, to superintend, under their direction, the erection of such State buildings as are provided for in this act, and they shall also appoint a secretary, not of their number, whose duties shall be by them prescribed. Such superintendent and secretary thus appointed shall each receive for his services a reasonable compensation, to be established by the board, and before entering upon the discharge of his duties, shall each take the oath prescribed by the constitution, and give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars.

Sec. 6. To carry out the provisions of this act the sum of thirty thousand dollars, or so much thereof as may be necessary in the judgment of said board, is hereby appropriated out of the State building fund for the year eighteen hundred and seventy-one, which shall be expended in the erection and construction, on the east front of the block occupied by the present capitol, of a building for the use and accommodation of the different State departments during the construction of new capitol.

Sec. 7. The sum of one hundred thousand dollars is hereby appropriated out of the State building fund of the State for the year eighteen hundred and seventy-two, which shall be expended, under the direction of said board, in and towards the erection of a new State capitol on the State block or square, known as Capitol square, in the city of Lansing, and State of Michigan, and covering the site at present occupied by the building containing the State offices.

Sec. 8. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State building fund in the State treasury for the year eighteen hundred and seventy-one, to be used and expended by said board, in their discretion, in full payment of all expenses in procuring plans, specifications, and estimates for the buildings herein provided for, of which sum not exceeding four thousand dollars may be paid in premiums for plans presented as follows: For the best plan not exceeding two thousand dollars, for the next best not exceeding one thousand dollars, and for the next not exceeding five hundred dollars: *Provided*, That no architect shall be paid for more than one plan: *Provided however*, That nothing in this act shall be construed as preventing said board from allowing to any architect whose plans and specifications for a new State capitol may be adopted, such further and reasonable sums as may be found necessary.

Sec. 9. There shall be transferred from the general fund to the credit of the State building fund an amount which, together with the usual receipts to said State building fund, shall be sufficient to meet the appropriations made by sections six and eight of this act.

Sec. 10. It shall be the duty of said board, within thirty days after their appointment and qualification, to advertise in at least two daily papers in the city of Detroit, and in one daily paper each in the cities of New York, Chicago, and one weekly paper in the city of Lansing, for a period not exceeding sixty nor less than thirty days, for plans, specifications, and

Appropriation for capitol; site of same.

1872<sup>64</sup>

For plans and specifications.

Premiums for plans.

Further proviso.

Provision to meet appropriations.

Board to advertise for plans, etc.

1872<sup>35</sup>

Meeting of  
board and  
State officers  
to select  
plans, etc.

Buildings to  
be erected  
according to  
plans, etc.,  
adopted.

Proviso.  
Limiting ex-  
pense.

Further  
proviso.

Board  
authorized to  
employ  
architects,  
etc.

estimates for the temporary building and new State capitol herein provided for. Upon the expiration of two months after the completion of such publication, if this board shall have received within that time any plans, specifications, and estimates furnished in compliance with said publication, they shall immediately thereafter notify the Secretary of State, Auditor General, State Treasurer, Commissioner of the State Land Office, the Superintendent of Public Instruction, and Attorney General, to meet the board at the city of Lansing, on a day to be specified in said notice, the same to be given at least ten days prior to said meeting; and if at such meeting a majority of said board and State officers in attendance shall decide upon and adopt any plan or plans with specifications and estimates, submitted to them, the said board shall be bound thereby and shall proceed to the erection of the temporary building and new State capitol herein provided for, in accordance with said plans and specifications so adopted: *Provided however,* That the plans and specifications thus adopted shall not be for a State capitol to exceed in cost one million of dollars, it being intended by this act to limit the entire expense of the erection and construction of such new capitol to one million dollars, but not including the amount required and appropriated for the construction of said building for the temporary use of the State officers: *And provided further,* That if plans and specifications are not presented to said board within the time above limited, it shall be lawful for, and the duty of said board to again advertise and proceed in the manner above prescribed, until plans, specifications, and estimates are furnished.

Sec. 11. For the due prosecution of the work hereby committed to their charge, the said board are hereby authorized, and shall employ such architects, mechanics, and laborers as may be deemed necessary, and all expenditures made in or in any manner connected with the erection and construction of said buildings, not exceeding altogether the amounts above named, shall be paid out of the sums appropriated for such

purpose in the manner following, that is to say: for every expenditure made for materials, labor, services of the members of said board, of the Governor, superintendent, and secretary, and traveling expenses of the Governor and members of said board in the performance of their duties under this act or otherwise, a full and complete statement or account shall be made, which shall be certified to by a majority of the members of said board and approved by the Governor; such statement or account shall then be laid before the Board of State Auditors for examination, and if found correct and in compliance with this act, shall be audited and shall be paid by the State Treasurer, upon the warrant of the Auditor General, out of any money in his hands for such purpose, such warrant to be drawn in favor of and to the order of the person or persons entitled to receive the amount therein named.

Sec. 12. No contract shall be made or entered into by said board for materials, service, or labor to be used and applied in the erection of said new State capitol, which shall involve or require a larger expenditure of money than the above named appropriated sum of one hundred thousand dollars, and in case further appropriations shall be made by the Legislature for the erection and completion of said new capitol, it shall be lawful for said board to enter into further contracts to an amount not exceeding such appropriations: *Provided*, That the commissioners shall use Michigan materials in said capitol building as far as they can do so consistent with the best interests of the State. All contracts entered into in violation of the provisions of this act shall be absolutely null and void.

To be laid  
before Board  
of State  
Auditors for  
examination

1872 - 62

*Limitation  
of contracts  
for labor and  
materials.*

*Certain con-  
tracts void.*

Sec. 13. All contracts for labor or materials to be used in the erection and construction of the buildings provided for by this act, requiring an expenditure of more than five hundred dollars, shall be let to the lowest responsible bidder or bidders; all bids or proposals for furnishing such labor or materials to be obtained by advertising therefor by said board, in one weekly paper in the city of Lansing, two daily papers in the

*How con-  
tracts shall  
be let.*

1872 - 62

*Bids adver-  
tised for.*

city of Detroit, and in two weekly papers in the Upper Peninsula, for a period not exceeding sixty days, the advertisement thus provided for to specify the time and place where the bids or proposals made in pursuance thereof shall be opened. All bids or proposals thus made shall be sealed, and shall not be opened at any other time or place than that designated in the advertisement. All or any bids or proposals received by said board may be by them rejected, and, whether accepted or rejected, shall, after decision thereon by said board, be deposited in the office of the Secretary of State.

Bids to be sealed.

Where deposited.

Terms of payment.

Proviso.

Material for capitol, and manner of construction.

Various rooms and offices of.

Sec. 14. In letting contracts, said board shall not obligate the State to pay to any contractor any money other than that to which such contractor may be justly entitled by reason of labor or materials already furnished and supplied, and in no event shall more than seventy-five per cent of the amount called for in any contract be paid to the contractor named therein before the completion of his contract and its acceptance by said board: *Provided*, That every contractor performing service or work or furnishing materials under this act shall enter into such bonds, with sureties for the proper performance of his contract, as shall be required by the Board of Commissioners.

Sec. 15. The said board shall select such durable material for the construction of said new capitol as, after examination by them, shall be deemed best adapted for such purpose (and in such selection shall procure, if practicable, such materials within this State), shall cause the same to be constructed as nearly fire-proof as possible, in a manner according to the most approved and convenient plan, and in such proportions that it shall contain sufficient room for the use and occupation of the various State departments, including legislative halls, committee rooms, executive offices, State library, rooms for the supreme court, Attorney General, and rooms and offices for the Secretary of State, Auditor General, State Treasurer, Commissioner of the State Land Office, and the Superintendent of Public Instruction, and such other rooms and offices as may be deemed essential and necessary.

Sec. 16. The expenditures under this act shall be upon the certificate of the building commission as to the correctness of the account, approved by the Governor, and the account so certified and approved, audited by the Board of State Auditors.

Sec. 17. The sum mentioned in section seven of this act, State tax for the year one thousand eight hundred and seventy-one, and, when collected, the said sum shall be passed to the credit of the State building fund, and be expended for the purposes specified in said section seven.

Sec. 18. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 68.]

AN ACT to amend section eight, of act number one hundred and forty, laws of eighteen hundred and sixty-three, being an act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, approved March eighteenth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact,* That section eight, of act number one hundred and forty, laws of eighteen hundred and sixty-three, be and the same is hereby amended so that it shall read as follows:

Sec. 8. The money received from the sale of said lands shall be paid into the State treasury, and the amount thereof shall be placed to the credit of the Agriculture College fund, upon the books of the Auditor General, to constitute a perpetual fund, the capital of which shall remain forever undiminished;

How money  
received  
from sale to  
be disposed  
of.

~~How interest and the annual interest thereon, computed at seven per cent, shall be disposed of~~ shall be regularly applied under the direction of the State Board of Agriculture, to the support and maintenance of the State Agriculture College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 69. ]

AN ACT to amend act number one hundred and forty-six, of the session laws of eighteen hundred and sixty-one, entitled "An act to amend sections four hundred and four and four hundred and five of the compiled laws, being sections sixty-three and sixty-four, of chapter ten, enabling county clerks to appoint deputies."

~~Section amended.~~

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number one hundred and forty-six, of the laws of eighteen hundred and sixty-one, entitled "An act to amend sections four hundred and four and four hundred and five of the compiled laws, being sections sixty-three and sixty-four, of chapter ten, enabling county clerks to appoint deputies," be amended so as to read as follows:

~~County clerk to appoint deputies.~~

SECTION 1. *The People of the State of Michigan enact*, That section four hundred and four of the compiled laws, being section sixty-three, of chapter ten, be amended so as to read as follows: Each county clerk shall appoint one or more deputies, to be approved by the circuit court, one of whom shall be designated in the appointment as the successor of such clerk in case

of vacancy from any cause, and may revoke such appointment <sup>May revoke  
appointment</sup> at his pleasure, which appointment and revocation shall be in writing, under his hand, and filed in the office of the county treasurer, and the deputy or deputies may perform the duties of such clerks.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 70. ]

**AN ACT** to amend section one, of act number thirty-five, of the session laws of eighteen hundred and sixty-nine, approved March sixteen, eighteen hundred and sixty-nine, relative to a soldiers' aid fund.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>section</sup> <sup>amended.</sup> section one, of act number thirty-five, of the session laws of eighteen hundred and sixty-nine, approved March sixteen, eighteen hundred and sixty-nine, relative to a soldiers' aid fund, be and the same is hereby amended so as to read as follows:

**SECTION 1.** That an amount not to exceed four thousand <sup>Appropriation.</sup> dollars per annum be and the same is hereby appropriated from the military fund, to be set apart and denominated the "Soldiers' <sup>Name and</sup> <sup>Purpose of</sup> Aid Fund," for the support and care of infirm, maimed, and <sup>hand.</sup> needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this State in other State volunteer forces, or the United States service, and were residents of this State at the time when said service was rendered ; said assistance to <sup>Where as-</sup> be rendered at the Harper Hospital, in the city of Detroit, and <sup>distance to</sup> <sup>be rendered.</sup> elsewhere, and to otherwise aid them ; and also to assist, tempo- <sup>Soldiers of</sup> <sup>other States</sup> <sup>may be tem-</sup> rarily, destitute discharged soldiers, sailors, and marines of <sup>porarily</sup> other States, in the discretion of the State Military Board. <sup>aided.</sup>

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 71. ]

**AN ACT** to amend act number one hundred and forty-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act to amend section one thousand six hundred and sixty-six, being section eight, of chapter fifty-two, of the compiled laws, relative to the manufacture and sale of intoxicating drinks as a beverage."

Section amended.

**SECTION 1.** *The People of the State of Michigan enact,* That "An act to amend section one thousand six hundred and sixty-six, being section eight, of chapter fifty-two, of the compiled laws, relative to the manufacture and sale of intoxicating drinks as a beverage," approved April fifth, eighteen hundred and sixty-nine, be and the same is hereby amended so that section eight shall read as follows :

Jurisdiction of justices of the peace, etc. (1666.) Sec. 8. Any justice of the peace of the county, or any municipal or police court of any city or village, shall have jurisdiction and authority to hear, try, and determine all cases arising under this act, occurring in any part of the county in which said justice resides, or in which said court sits, except

Exception. for a breach of the recognizance specifically mentioned in section twelve (of which the circuit court shall have jurisdiction).

How suit shall be brought. The suit shall be brought in the name of the people of the State of Michigan, in an action of debt, and may be instituted by any person who is a resident of such county ; and all parties

Who shall be competent witnesses. to such proceedings shall be competent witnesses in the case.

Such suit may be instituted by the prosecuting attorney of the proper county ; and it shall be the duty of the common council, attorney, or alderman of any city, the board of trustees of any village, and each one of them, and the supervisor of any township, when any offense under the provisions of this act shall have been committed, who shall have knowledge thereof or reasonable evidence by affidavit served upon him, to

When supervisor may employ attorney. institute such suit without delay ; and the said supervisor or any person making such complaint is hereby authorized to

employ an attorney to assist him in the prosecution of such suit, except in the township where the prosecuting attorney

for the county resides; and there shall be paid to the attorney <sup>Attorney's fees.</sup> so employed, or to the prosecuting attorney when called upon to prosecute any such suit out of the township where he resides, in addition to his salary, out of any funds in the county treasury nor otherwise appropriated, a sum not exceeding ten dollars in any one suit wherein the prosecution obtain a judgment, and such attorney fee shall be taxed as a part of <sup>Same taxed as part of</sup> the cost against the defendant, and paid with the fine into the <sup>costs.</sup> county treasury.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 72. ]

AN ACT to prevent the adulteration of milk, and to prevent the traffic in impure and unwholesome milk.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Provisions relative to traffic in.</sup> any person or persons who shall knowingly sell, supply, or bring to be manufactured to any cheese manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly bring or supply milk to any cheese manufactory that is tainted or sour from want of proper care in keeping pails, straines, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any cheese manufacturer who shall knowingly use or direct any of his employes to use, for his or their individual benefit, any cream from the milk brought to said cheese manufacturer, without the consent of all the owners thereof, shall, for each <sup>Penalty for violating.</sup> and every offense, forfeit and pay a sum not less than ten dollars nor more than fifty dollars, with costs of suit, to be

**How sued  
for.** sued for in any court of competent jurisdiction, for the benefit of the person or persons, firm or association, or corporation upon whom such fraud shall be committed.

**Acts re-  
pealed.** Sec. 2. Act number seven, of the session laws of eighteen hundred and sixty-seven, and all laws contravening the provisions of this act, are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 73. ]

**AN ACT** to amend section twenty-eight of an act entitled "An act to revise and consolidate the general acts relating to the support and maintenance of poor persons," approved February fifth, eighteen hundred and sixty-nine.

**Section  
amended.** SECTION 1. *The People of the State of Michigan enact,* That section twenty-eight of an act entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved February fifth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

**Superin-  
tendent of  
poor shall  
make annual  
report to the  
Secretary of  
State.** Sec. 28. It shall be the duty of the superintendent of the poor of each county, on the thirtieth day of September in each year, to report to the Secretary of State, in such form as such Secretary shall direct, the condition of such poor-house during the preceding year; which report shall contain a statement of the number of paupers, insane, idiots, blind, mutes, the number of each class under sixteen years of age, and the average number of each class maintained during the preceding year; also, the cost of supporting such persons in the poor-house, the salary of the keeper thereof, the amount paid for medical attendants, the amount earned by the labor of paupers, the amount paid for the transportation of the poor, for repairs of

**What state-  
ments same  
shall contain**

buildings, for stock and tools, including all items which are not any part of the actual expenses of supporting the poor, the amount paid to the superintendents of the poor, and to supervisors and justices, the number of persons who have received temporary support outside of such poor-house during the year, and the amount paid for their relief, the value of county farms, including buildings, stock, tools, furniture, and fixtures, the income received from the farm, and the nationality of the paupers. Such report shall also contain a statement <sup>What state-  
ments same  
shall contain</sup> ~~Idem.~~ of the general condition of the farm-house and other buildings, the manner in which paupers are treated, how they are fed, clothed, in what manner such persons are cared for; how the insane and idiots are kept, and what are their treatment and accommodations; how the pauper children are educated; what the facilities are for bathing, heating, and ventilation, and to include all other information necessary to give a complete account of the condition of such poor-house.

Approved March 31, 1871.

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[ No. 74. ]

AN ACT to amend the general banking law, entitled "An act to authorize the business of banking," approved February sixteenth, eighteen hundred and fifty-seven, and the acts amendatory thereto, so as to provide for the organization of savings banks.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Sections  
added.</sup> the following be added to the act entitled "An act to authorize the business of banking," approved February sixteenth, eighteen hundred and fifty-seven, to stand as sections sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, and seventy-three, under the head of "Savings banks:"

**How banks  
may be  
formed.**

**Amount of  
capital stock**

**Powers and  
privileges.**

**Shall be  
known as  
savings  
banks.**

**Directors or  
trustees  
shall man-  
age business.**

**And shall  
elect presi-  
dent and vice  
president.**

**How vacan-  
cies shall be  
filled.**

**Quorum.**

**Such banks  
may receive  
money on  
deposit.**

**To repay  
when de-  
manded.**

**Regulations  
shall be  
printed, etc.**

**Sec. 63.** It shall be lawful for any number of persons, not less than five, to form associations, or banks, under the provisions of this act, with a capital stock of not less than twenty-five thousand dollars, in cities or villages of twenty thousand inhabitants, or under, and fifty thousand dollars, in cities of over twenty thousand inhabitants, three-fifths of which capital stock shall be paid in, and the remainder to be paid within one year, and which shall have all the powers and privileges, except that of issuing bank notes, and be subject to all the restrictions and limitations of association, or banks, heretofore provided for, as well as those herinafter contained, which said banks and corporations shall be known as "savings banks."

**Sec. 64.** The business and property of such savings banks shall be managed by a board of directors or trustees, of not less than five, all of whom shall be stockholders, the first board to be designated in the articles of association, and who shall, at their first meeting, and as often thereafter as their by-laws shall require, elect from their number a president and vice-president. All vacancies in the board of directors or trustees shall be filled at the next regular meeting of the board, from among the stockholders, after such vacancy shall arise, and the person receiving a majority of the votes of the directors or trustees present shall be duly elected. A majority of the directors or trustees shall constitute a quorum of said board for the transaction of business.

**Sec. 65.** Said savings banks may receive, on deposit, all such sums of money as shall from time to time be offered by tradesmen, mechanics, laborers, servants, minors, and others, for the purpose of safe-keeping, or being invested as may be authorized by this act, and all deposits in said banks shall be repaid to such depositors, or his or her lawful representative, when required, at such time or times, and with such interest, and under such regulations as the board of directors or trustees shall from time to time prescribe, which regulations shall be printed and conspicuously exposed in some place accessible an-

visible to all in the business office of said banks, and no alteration which may at any time be made in such rules or regulations shall in any manner affect the rights of a depositor, in respect to deposits, or the interest thereon, made previous to said alteration.

Alterations  
thereof  
not to affect  
rights of  
previous de-  
positors.

Sec. 66. The board of directors or trustees shall invest two-thirds of the deposits made with them upon the security of stocks of this State, or of the United States, or in the public debt, stock, or bonds of any city, county, or school district in this State, which shall have been authorized by the Legislature of this State to issue such stocks or bonds, or loan the same upon bond secured by mortgage upon unencumbered real estate worth at least double the amount loaned, or in such other manner as is authorized by this act, and from the remainder of said deposits, temporary deposits may be made by said board in any national bank, any of the incorporate banks of this State, or in any associations which are now or may hereafter be formed under the general banking laws of this State, said deposit not to exceed twenty-five thousand dollars in any one bank, or they may keep the whole or any part of the said remainder to meet the current payments of such corporation, and which may by them be kept on deposit, interest, or otherwise, or in such suitable form as the directors or trustees may direct. All certificates or evidences of deposit made by the proper officers of said banks shall be as effectual to bind the banks as if made under the common seal thereof; but said savings banks shall not issue any bill, note, or certificate calculated or intended to circulate as money. Any director or trustee, stockholder, officer, agent, or employe of such banks, who shall embezzle or appropriate to his or their own use any of the money belonging to or deposited with said banks, or any security belonging to said banks, or deposited with them for safe-keeping, or cause to be issued any bill, note, or certificate, designed, intended, or calculated to circulate as money, shall be deemed guilty of a misdemeanor, and on conviction

How two-  
thirds of de-  
posits shall  
be invested.

Remainder  
may be de-  
posited in  
other banks.

Or it may be  
kept on  
hand.

Certificates  
of deposit  
valid with-  
out the seal.  
Shall not is-  
sue bills, etc.

Penalty for  
embezzle-  
ment, etc.

thereof shall be punished by imprisonment in the State Prison not more than twenty years, or by fine not exceeding ten thousand dollars, or both, in the discretion of the court.

*Directors to regulate the ratios of interest.* Sec. 67. It shall be the duty of the board of directors or trustees, from time to time, to regulate the rate of interest to

*May make dividends.* be allowed to depositors, and pay the same at regular and stated periods, and they may make such dividend or dividends

*Shall notify State Treasurer of date of incorporation.* from the surplus profits, after the payment of or setting aside a sufficient amount to pay the interest to depositors of said banks, on the capital stock of said banks, after deducting the

*And make quarterly statements to same.* necessary expenses of said banks; and the directors or trustees of all savings banks formed under this act shall, within thirty days from and after the date of the incorporation of such bank,

*Such reports to be published.* notify the State Treasurer of the date aforesaid, and shall, on the first Mondays of January, April, July, and October, of each year, make and file with the State Treasurer, to be published in his annual report, a complete statement of the condition of said banks, showing the amount of deposits, special or otherwise, the amount of the investments of said banks,

*Receipts of minors valid.* specifying the character of the same; and such reports shall be published as required by section eighteen of the act to which this is amendatory.

*Liabilities of officers.* Sec. 68. When any deposit is made in any savings bank organized under this act, by a person being a minor, the said bank may pay to such depositor such sums as may be due to him, or her, although he, or she, have no guardian, and the receipt of such minor shall be in all respects valid in law.

*Twenty per cent of savings deposits shall be kept on hand or on deposit subject to call.* Sec. 69. The officers and stockholders of any bank or association organized under the provisions of this act shall be subject to all the liabilities provided for in section forty of the act to which this is amendatory. Any bank or association formed under the provision of this act shall at all times hold, either in their own keeping or on deposit (subject to call) with some national bank, or with other bank organized under general law, at least twenty per cent of the savings

deposits of said bank or association, and no part of the capital, Depositors to be paid in full in case of division of assets. deposits, investments, or loans shall be divided among the stockholders until all of the depositors shall be paid in full, or until ample provision is made for the payment of the same, by depositing the necessary amount with the State Treasurer, and any director or trustee, officer, agent, or stockholder of said banks who shall violate this section, shall be liable to the penalty mentioned in section sixty-six of this act, and the shares of stock of any organized savings bank shall not be taken as collateral security for any loan made by the bank issuing the stock, nor shall deposits be made therein.

Sec. 70. Any bank or association existing under or by virtue of any law of this State may be reorganized under the provisions of this act, and when duly organized, all securities, real estate, or property may be transferred to such new organization; but no such reorganization shall have the effect to discharge the original bank, its directors or stockholders from any liability to its depositors, or any other person, but the same shall continue until legally discharged; and such new organization or bank shall be legally liable to pay every claim or demand existing against the bank whose assets or property, or any part thereof, it has received by reason of such reorganization.

Sec. 71. The subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct as the board of directors or trustees may from time to time require.

Sec. 72. Any person or persons who shall be engaged in, or carry on, a private bank, and who shall put up, or cause to be put up or exhibited, any sign, and who shall issue, or cause to be issued or circulated, any card, circular, or advertisement, purporting to be a savings bank or institute, not being organized under any law of this State, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding two hundred dollars.

Savings de-  
positors en-  
titled to pre-  
ference in  
case of insol-  
vency.

Sec. 73. In case of the insolvency of any bank or association formed under this act, the savings depositors thereof shall be entitled to a preference in payment over all other creditors of such bank or association.

Approved March 31, 1871.

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[ No. 75. ]

AN ACT to amend chapter ninety-five of the compiled laws, by extending to executors and administrators power over land contracts in certain cases, by adding a new section thereto, to stand as section number nineteen of said chapter.

Section added.

SECTION 1. *The People of the State of Michigan enact,* That chapter ninety-five of the compiled laws, entitled "Of the inventory and collection of the effects of deceased persons," be amended by adding thereto a new section, to stand as section number nineteen of said chapter, as follows:

Sec. 19. That in case a person shall have contracted, or shall contract for a sum not exceeding one thousand dollars, expressed in the contract, to convey any land, or right, interest, or claim in or to lands, and shall have died, or shall die, before he shall have executed, or shall execute, deeds or conveyances in pursuance of such contract, leaving such contract subsisting and in force, or if such contract shall have been assigned, or shall be assigned, then if the assignee of such contract, entitled to the benefit thereof, and grantee of such contracted premises subject to the contract, shall have died, or shall die, before the deeds or conveyances shall have been executed of the contracted premises in pursuance of such contract, leaving such contract subsisting and in force, the executors or administrators of such deceased person, whether the party contracting or his assignee, may demand and enforce payment of the moneys part due or falling due on such contract; and in case a cause of

forfeiture of such contract shall have accrued, or shall accrue, And may declare contracts forfeited in a certain case. and not waived, may declare such contract forfeited; and when such contract shall have been performed so as to entitle the party thereto, or his assigns, to have a deed or conveyance to him executed under the terms of the contract of the premises thereby contracted, the executors or administrators shall be authorized and empowered (if they shall deem it expedient) to execute, duly acknowledge, and deliver deeds or conveyances of the contracted premises in pursuance of the terms of the contract, to the party contracting to purchase, or his assigns, with like effect as if the party contracting to convey had himself executed and delivered such deed or conveyance: *Provided*, Proviso. That every deed or conveyance to be executed as aforesaid shall contain a reference to the date and respective parties to the contract in pursuance of which it purports to have been made, Deed to contain reference to date, etc., of contract. and a copy of the original contract under which the grantee named in such deed or conveyance makes his claim, and of any assignment thereof under which he claims, shall be annexed to Also copy of original contract and of any assignment thereof. or embodied in every such deed or conveyance, and shall be deemed part and parcel thereof, and as such shall be recorded therewith; and whenever the persons who contracted to purchase shall have deceased, the deed or conveyance for the contracted premises, and embodying the substance of the contract, or a copy of it, may be executed and issued to and in the name of such deceased person, and when so executed and issued shall have the same effect as though it had been executed and delivered during the life-time of such person: *And provided further*, May be issued in name of deceased contractor. *further proviso.* That when the contract for any lands, or any right, interest, or claim in or to lands heretofore contracted to be sold, shall have been forfeited, and shall have been duly declared to have been forfeited, as aforesaid, all such lands, and rights, interests and claims in or to lands, shall, to all intents and purposes, be thenceforth deemed to be held, and shall be treated in the same manner, as lands purchased at mortgage sales by executors or administrators under and in pursuance How rights, etc., under forfeited contracts to be treated.

of section thirteen, of said chapter ninety-five, of the compiled laws.

Approved March 31, 1871.

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[ No. 76.]

AN ACT to amend act number one hundred and sixty-two of the session laws of eighteen hundred and sixty-seven, entitled "An act relative to the imprisonment of parties in civil suits in certain cases," by adding a new section, to stand as section three.

Section added.

SECTION 1. *The People of the State of Michigan enact.*  
That act number one hundred and sixty-two of the session laws of eighteen hundred and sixty-seven, entitled "An act relative to the imprisonment of parties in civil suits in certain cases," be and the same is hereby amended by adding thereto a new section, to stand as section three, and to read as follows:

Sec. 3. Whenever, in any civil cause or action, any defendant shall have been required to and shall have given bail or entered special bail, and such defendant shall have surrendered himself, or have been surrendered in exoneration of his bail, and by reason thereof shall be detained and imprisoned in any county jail, the expenses of the board and detention of such defendant shall in no case be or constitute a charge against the county. In such case, the sheriff or keeper of such jail shall give to the plaintiff or his attorney in such suit or action, a notice that such defendant is detained in such jail, and thereafter, such plaintiff shall pay to the sheriff or keeper of such jail the expenses of the board and keeping of such defendant; nor shall such sheriff or keeper be required to retain such defendant in jail any longer than such expenses of board and keeping are paid in advance.

When county free from expense of detaining prisoner in jail.  
Plaintiff to pay expenses.  
Sheriff not required to keep when expenses are not paid in advance.

Approved March 31, 1871.

## [ No. 77. ]

AN ACT to amend section nineteen, of chapter one hundred and sixty-three, of the revised statutes of eighteen hundred and forty-six, being section five thousand nine hundred and ninety-five, in chapter one hundred and ninety-four, of the compiled laws, relative to the arrest and examination of offenders committed for trial and taking bail.

SECTION 1. *The People of the State of Michigan enact,* That Section amended. section nineteen, of chapter one hundred and sixty-three, of the revised statutes of eighteen hundred and forty-six, being section five thousand nine hundred and ninety-five, in chapter one hundred and ninety-four, of the compiled laws, entitled "Of the arrest and examination of offenders committed for trial and taking bail," be and the same is hereby amended so as to read as follows:

Sec. 19. Upon any adjournment of the examination before such magistrate, or when the prisoner is admitted to bail or committed by the magistrate, such magistrate shall bind by recognizance the complainant and all material witnesses against such prisoner to appear and testify upon any day to which such examination may be adjourned, or at the next court having cognizance of the offense, and in which the prisoner shall be held to answer, and it shall be competent in all cases contemplated in this section for any magistrate in the county where such offense is alleged to have been committed, to issue process to compel the attendance of any witness or witnesses before him, at any time, in vacation or between the terms of the court having cognizance of the offense, for the purpose of compelling such witnesses to enter into any recognizance required by the provisions of this section.

Magistrate to bind complainant and witnesses to appear and testify on an adjourn day or at next court.  
May for that purpose compel attendance of witnesses in vacation, etc

Approved April 5, 1871.

[ No. 78.]

AN ACT to amend section one, of act seventy-five, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to exempt soldiers, sailors, and marines from the payment of a capitation or poll tax," approved March twenty-first, eighteen hundred and sixty-seven.

Section amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section one, of act number seventy-five, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to exempt soldiers, sailors, and marines from the payment of a capitation or poll tax," approved March twenty-first, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

Wounded  
soldiers, etc.,  
exempt from  
poll tax.

Proviso.

Certain off-  
cers to fur-  
nish certifi-  
cate of facts  
which shall  
exempt.Further pro-  
viso.

**SECTION. 1.** Every soldier, sailor, or marine, now or hereafter being an inhabitant of the State of Michigan, who has served in the war of the rebellion (so called), and who has been honorably discharged from the service of the United States, either in consequence of wounds received or disease contracted while in the line of duty, and who shall not have been a deserter, shall be exempt from the payment of any capitation or poll tax: *Provided*, That the production of evidence of such service, discharge, and non-desertion, as aforesaid, may at any time hereafter be furnished by said soldier, sailor, or marine to the township board of the township, or supervisors, or assessing officer or officers of the ward in any city, together with the clerk of said city, where any such soldier, sailor, or marine may reside, upon which production it shall be the duty of the said township board, or supervisor and clerk, or assessing officer and clerk, to furnish such applicant, free of expense to such applicant, a certificate of such facts, and to file a duplicate thereof in the office of the clerk of such city or township, which said certificate shall be evidence at all times, and in all places within this State, of the facts therein contained, and shall exempt such soldier, sailor, or marine from such payment: *Provided also*, That when such soldier, sailor, or marine is a pensioner of the United States, the same shall

be sufficient evidence of such facts required to be stated in such certificate, which certificate shall be furnished upon production of the pension certificate of such pensioner.

Approved April 5, 1871.

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[ No. 79. ]

AN ACT to subject all persons holding office under the government of the State of Michigan to removal from office for drunkenness.

SECTION 1. *The People of the State of Michigan enact,* That the drunkenness of any person holding office under the constitution or laws of this State shall be good cause for removal from office by the authority and in the manner provided by law.

Approved April 5, 1871.

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[ No. 80. ]

AN ACT to amend sections ten and twelve of an act entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, eighteen hundred and sixty-nine, and to add three new sections thereto, to stand as sections twenty-seven, twenty-eight, and twenty-nine.

SECTION 1. *The People of the State of Michigan enact,* That section ten of an act entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, eighteen hundred and sixty-nine, be so amended as to read as follows:

~~Company required to deposit \$100,000 with State Treasurer.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

~~Nature and conditions of the deposit.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

~~Penalty for taking insurance before deposit is made.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

~~Insured entitled to recover premiums paid in such case.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

~~Proviso.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

~~Companies having like deposits in other States, may be admitted on certificate showing the same, etc.~~ Sec. 10. No company organized, or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section, and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the

and it shall appear therefrom that the said securities are equal in market value and availability to one hundred thousand dollars of the interest-bearing bonds of this State, and that a portion equal in market value to fifty thousand dollars of the interest-bearing bonds of this State or [are] of State or United States bonds, and it shall further appear from the laws of such other State that the securities so deposited are subject to be made available to satisfy judgments of policy-holders in any manner corresponding to that provided for the care of securities deposited under this act, the Secretary of State shall thereupon be authorized to issue to such company an authority or license to transact the business of life insurance within this State, without any such deposit of securities with the State Treasurer of this State as is above provided.

Sec. 2. That section twelve of said act be so amended as to <sup>Section  
amended.</sup> read as follows:

Sec. 12. Whenever the Secretary of State shall have reason to suspect the correctness of any annual statement, or that the affairs of the company making the same are in an unsound condition, it shall be his duty to cause an examination to be made into the books, papers, and securities of such company, at its expense, and for that purpose he shall be vested with power to examine under oath any of the officers or agents of such company, relative to the business and assets thereof, and to make any other or further inquiries necessary for obtaining full information of its condition ; and if in his opinion the condition of the company is such as to render it improper that it should continue to issue policies in this State, he shall have the power to revoke the license of such company ; and whenever he shall deem it for the public interest so to do, he shall publish the result of such investigation in such newspaper as he shall select, or if the company is one organized under the laws of this State, then in some newspaper published in the county where the principal business office of the company is located, and he shall call the attention of the Attorney General to the

~~Attorney General to apply for or der to close up home companies.~~ information obtained, whose duty it shall be to apply to the supreme court for an order requiring the company to show cause why their business within the State should not be closed, and such court may give direction for the hearing of the proofs and allegations of the parties; and in case it shall appear to

~~When court may prohibit issuing pol- icies.~~ the satisfaction of the court, from said proofs and allegations, that the assets and funds of the company are not sufficient to warrant its continuing to issue policies, the said court shall make an order prohibiting such company from issuing any fur-

ther policies, and it shall thereupon become unlawful for the company, or any of its agents or officers, to receive any further applications or to issue any further policies, or make any fur- ther contracts of insurance. The securities so deposited with

~~Disposition of deposit in such cases.~~ the State Treasurer shall remain in his hands, notwithstanding the company may cease or be prohibited to do business within the State, and shall only be withdrawn on the order of the supreme court, or when the officers of the company shall show

~~When com- pany may withdraw surplus se- curities.~~ by affidavit to the satisfaction of the Secretary of State and State Treasurer that the risks for which the company remains liable, and for the security of which the same are held, are less than the securities so deposited, in which case the company may be permitted to withdraw the surplus securities over and above the risks which then remain.

~~Section added.~~ Sec. 3. That the following additional section shall stand as section twenty-seven of said act, and shall read as follows:

~~Every com- pany to ap- point attor- ney before commencing business.~~ Sec. 27. That every life insurance company, not organized under the statutes of this State, shall, as a condition precedent to doing business in this State, appoint an agent or attorney

resident therein, upon whom all lawful process against the company may be served with the like effect as if served upon the company in the manner provided by law, and said appointment shall stipulate and agree, on the part of the company making the same, that service of lawful process against such company upon such agent or attorney shall be valid service upon such company. A copy of such appointment, duly

authenticated, shall be filed with the Secretary of State, and shall not be revoked until the same power is given to another resident, and a like copy filed as aforesaid. Service upon such agent or attorney shall be deemed sufficient service upon the company.

Sec. 4. That the following additional section shall stand as section twenty-eight of said act, and shall read as follows:

Sec. 28. That whenever the existing or future laws of any other State of the United States shall require of life insurance companies incorporated or organized under the laws of this State, and having agencies in such other State, or of the agents thereof, any payment for taxes, fines, penalties, certificates of authority, license, or other fees, greater than the amount required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all life insurance companies establishing or having heretofore [theretofore] established agencies in this State, shall be required to pay for taxes, fines, penalties, certificates of authority, license, or other fees, an amount equal to the amount of such charges and payments imposed by the laws of such other State upon the companies of this State and the agents thereof.

Sec. 5. That the following additional section shall stand as section twenty-nine of said act, and shall read as follows:

Sec. 29. That all corporations, associations, partnerships, or individuals doing business in this State under any charter, compact, agreement, or statute of this or any other State, involving an insurance, guaranty, contract, or pledge, for the payment of annuities or endowments, or for the payment of moneys to families, or representatives of policy or certificate holders or members, shall be considered and deemed to be life insurance companies within the meaning of the laws relating to life insurance within this State, and shall not make any such insurance, guaranty, contract, or pledge therein, or to or with any citizen or resident of this State, until the

Copy of appointment  
to be filed  
with Secre-  
tary of State.

When com-  
panies of  
other States  
shall pay ex-  
tra taxes,  
fines, etc.

Life insu-  
rance com-  
panies de-  
fined.

Condition  
precedent to  
doing busi-  
ness.

**Penalty for violations.**

**Insured to recover pre-miums paid.**

securities required of life insurance companies are deposited, nor except in accordance with, and under the conditions and restrictions of the statutes now or hereafter regulating the business of life insurance. And any person soliciting applications for insurance, or making any such insurance, guaranty, contract, or pledge as aforesaid, before the deposit of such securities, or before compliance with any condition precedent provided by the laws of this State for life insurance companies, shall be liable to a penalty of one hundred dollars for every application obtained, or insurance, guaranty, contract, or pledge made, to be sued for and recovered in the name of the People, by the Attorney General, or prosecuting attorney of the proper county, either by action of debt or criminal prosecution; and any person who may have paid moneys therefor shall be entitled to recover the same back from the person to whom it was paid, or in case such person was an agent, then at his option from the principal of such agent, by action of assumpsit, to be brought at any time within six years after such payment.

Sec. 6. This act shall take immediate effect.

Approved April 5, 1871.

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[ No. 81. ]

**AN ACT** making appropriations for the State Reform School for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two.

**Amount of appropriation.**

SECTION 1. *The People of the State of Michigan enact, That the sum of thirty-five thousand dollars be and the same is hereby appropriated, out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and seventy-one; and the further sum of thirty-five thousand dollars be and is hereby appropriated, out of the*

general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and seventy-two.

Sec. 2. The several sums appropriated by the provisions of this act shall be passed to the credit of the Reform School, and paid to the board of control, officer, or person and persons entitled to receive the same, at such times, and in such manner and amounts only, as are provided by law, and as may be made to appear to the Auditor General to be necessary for the immediate wants of the Reform School; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars.

Sec. 3. The sum of thirty-five thousand dollars the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-one, and the sum of thirty-five thousand dollars the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-two, which sums, when collected, shall be passed to the credit of the general fund.

Sec. 4. This act shall take immediate effect.

Approved April 8, 1871.

[ No. 82. ]

AN ACT to amend sections five and nine of an act entitled "An act to provide for the appointment of a stenographer for the circuit court for the county of Wayne, and other counties of this State, and to limit the operation of sections one and four of an act to declare and establish the practice in charging or instructing jurors, and in settling the law in cases tried in circuit courts, approved March thirtieth, eighteen hundred and sixty-nine," approved April second, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* That sections five and nine of an act to amend an act entitled "An act to provide for the appointment of a stenographer for the

circuit court for the county of Wayne, and other counties of this State, and to limit the operation of sections one and four of an act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts, approved March thirtieth, eighteen hundred and sixty-nine," approved April second, eighteen hundred and sixty-nine, so as to read as follows :

**Compensation; how and when paid.**

Sec. 5. The stenographer appointed for the county of Wayne shall receive, as a compensation, a salary of two thousand dollars per annum, which shall be paid in monthly installments out of the county treasury.

**How act may be made operative.**

Sec. 9. Any one or more of the counties of this State, being in the same circuit, may, at any time hereafter, cause this act to become operative in such county or counties, either united with each other or in any single county, by the certificate of the judge, as provided in section one of this act, sent to the board of supervisors of such county or counties, and approved by the majority vote of the supervisors elected in such county or counties, and such board or boards of supervisors may fix the amount of salary to be paid by such county or counties to such stenographer, and such stenographer when appointed by the Governor shall be entitled to a salary so fixed, and no more, and any amount which may have been heretofore fixed as such salary by such board or boards of supervisors, less than two thousand dollars, shall be and is made binding under this act, and such stenographer, when appointed, may enter upon his duties

**How salary fixed.**

under such salary so fixed : *Provided*, That stenographers heretofore appointed elsewhere than in the county of Wayne shall, unless some other contract has been made, receive a salary of two thousand dollars per annum, payable in monthly installments, out of the county treasury of the counties composing the circuit employing such stenographer, according and in proportion to the number of suits entered and commenced in the circuit court for such counties respectively the preceding year ; and it shall be the duty of the circuit judge of such

**Salaries heretofore fixed binding under this act.**

**Proviso.**

**Salary outside Wayne county when no contract has been made.**

circuit, on the first of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid: *And further provided further,* That the stenographer heretofore appointed in the tenth judicial circuit shall perform the duties of stenographer in the several counties in such circuit as now constituted, and also in the county of Bay until a stenographer shall be appointed in the eighteenth judicial circuit, and the salary of such stenographer shall be apportioned to and paid by such counties in the manner provided by this act.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1871.

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[ No. 83. ]

AN ACT to amend sections forty and sixty of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* Section amended. That sections forty and sixty of an act entitled "An act to provide for the uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

Sec. 40. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of May, and shall be a lien on said real estate from the first Monday in December of the year in which such real estate was assessed, but it shall be lawful for the township treasurer to collect such taxes by distress and sale of the goods and chattels of any person who shall purchase such real estate of whom same may be collected.

after the second Monday in May, and occupy the same on the first Monday in December.

*Collecting officers' fees.* Sec. 60. In case of a distress and sale of goods and chattels for the payment of any tax, the township treasurer or other collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax, as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes; and in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such township treasurer or collecting officer to require the payment of one dollar and twenty-five cents as his fee for making such distress, and to enforce payment of the same, if need be, by making the sale notwithstanding the tax shall have been paid.

*May sell for fees.*

Approved April 8, 1871.

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[ No. 84. ]

AN ACT to establish the weight of lime.

*Weight of stone lime.*

SECTION 1. *The People of the State of Michigan enact,* That whenever stone-lime is sold, and no special agreement is made by the parties, the bushel shall consist of seventy pounds.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1871.

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[ No. 85. ]

AN ACT to amend sections one and eight of an act entitled "An act to provide for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, being sections numbers two hundred and twenty-three and two hundred and thirty of the compiled laws.

*Sections amended.*

SECTION 1. *The People of the State of Michigan enact,* That sections one and eight of an act entitled "An act to provide

for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, being sections numbers two hundred and twenty-three and two hundred and thirty of the compiled laws, be amended so as to read as follows:

**SECTION 1.** That there shall be a State Board of Equalization, to consist of the Lieutenant Governor, Auditor General, Secretary of State, State Treasurer, and Commissioner of the Land Office, whose duty it shall be, in the year eighteen hundred and fifty-one, and every fifth year thereafter, to equalize the assessments on all taxable property in the State, except that paying specific taxes, as hereinafter provided.

Sec. 8. It shall be the duty of the clerk of each board of supervisors to make out a tabular statement from the aggregate of the several assessment rolls, of the number of acres of land, and the value of the real estate and personal property in each township and ward, as assessed, and also the aggregate valuation of the real estate of each roll, as equalized, and make a certified copy thereof, signed by the chairman and clerk, and transmit the same to the Auditor General on or before the second Monday of July following, who shall lay the same before the State Board of Equalization when organized: *Provided*, That such statement and copy shall not embrace any property paying specific taxes.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1871.

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[ No. 86. ]

AN ACT to amend section seven, of chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, being section twenty-one hundred and forty-nine, in chapter seventy-three (73), of the compiled laws, entitled "General provisions relating to corporations."

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Section amended.</sup> That section seven, of chapter fifty-five, of the revised statutes

of eighteen hundred and forty-six, being section two thousand one hundred and forty-nine, in chapter seventy-three, of the compiled laws, entitled "General provisions relating to corporations," be and the same is hereby so amended as to read as follows:

Corporate rights.

How stock may be transferred.

May amend articles of association.

Sec. 7. Every such corporation may hold land to an amount authorized by law, and may convey the same, and may receive subscriptions to its capital stock in lands situate in the State of Michigan, or may receive donations of land situate in the State of Michigan, to assist or enable such corporation to perform or complete any work of public improvement in which such company may be engaged in pursuance of its charter, and may sell and convey the same; and whenever the capital stock of any such corporation is divided into shares, and certificates thereof are issued, such shares may be transferred by indorsement and delivery of the certificates thereof, such indorsement being by the signature of the proprietor, or his attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered on the books of the corporation as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer. And such corporation may at any time amend its articles of association, by filing amended articles of association in the office of the Secretary of State, which said amended articles of association shall be made in all respects consistent with the provisions of the act or acts under which such corporation may be organized, and shall be executed by said corporation under its corporate seal, and by stockholders of said corporation owning at least a majority of all the capital stock of said corporation, under their seals, and duly acknowledged.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1871.

## [ No. 87. ]

AN ACT to provide for the erection of an addition to the present Asylum for the Insane at Kalamazoo, and for other purposes.

SECTION 1. *The People of the State of Michigan enact,* 'That it shall be the duty of the board of trustees of the Michigan Asylum for the Insane to prepare plans for the erection of buildings at the Asylum at Kalamazoo, of sufficient capacity to accommodate two hundred and fifty patients; that said plans, with full specifications of details of construction, shall be submitted to the Governor for his examination and approval, and an attested copy thereof, with his certificate of approval, shall be filed in the office of the Secretary of State; and that the erection of said buildings, as hereinafter provided for, shall be in strict accordance therewith, unless changed by the expressed permission of the Governor, in which case a statement in full of the change proposed, and the reasons therefor, shall be filed with the original plans.

Sec. 2. That the sum of twelve thousand dollars be and is hereby appropriated for the maintenance of patients for the year eighteen hundred and seventy-one; and for the same year, the further sum of three thousand five hundred dollars for furnishing the medical office, for re-painting the external wood-work of the south wing, and cementing the base of the outside wall of the north wing, and the boiler and engine building; and the further sum of eighty thousand dollars for the erection and furnishing of additional buildings as provided for in the preceding section, which sums may be drawn from the State treasury upon warrants made by the clerk of the board of trustees of said Asylum, approved by the president of said board and countersigned by the Auditor General: *Provided*, That said additional building shall not be located at a greater distance than forty rods from the present Asylum.

Sec. 3. The sum of twelve thousand dollars is hereby appropriated for the year eighteen hundred and seventy-two, for the

*For main-  
tenance of  
patients and  
erection of  
buildings,  
etc.* maintenance of patients, and the further sum of one hundred and forty thousand dollars for the erection and furnishing of additional buildings, which sums may be drawn from the State treasury in the same manner as prescribed in the preceding section.

*Trustees to  
purchase  
real estate.* Sec. 4. The trustees of the Asylum are authorized to receive by deed, for the use and benefit of the Asylum, the lands referred to in their report presented to this Legislature, and the sum of forty-eight hundred dollars is hereby appropriated, which sum may be drawn from the State treasury in the same manner as other moneys appropriated in this act, as soon as the clerk of the board of trustees shall have deposited with the Secretary of State a certified copy of said deed and its registration.

*How moneys  
appropri-  
ated by this  
act to be ex-  
pended.* Sec. 5. The moneys appropriated by this act shall be expended for the purposes specified therein, under the direction of the board of trustees, and disbursed by the treasurer of the Asylum subject to the restrictions contained in this act, upon the written order of the steward, countersigned by the medical superintendent, upon monthly estimates of amounts required to be expended.

*Aud. Gen'l  
to open sep-  
arate ac-  
count with  
trustees.* Sec. 6. The Auditor General of the State shall open a separate account with the trustees of the Asylum, to be styled the "Asylum extension account," charging thereto all moneys drawn for construction purposes, crediting thereto the amounts of received duplicate vouchers of all expenditures, which vouchers shall be sent to him on the last day of each month by the clerk of the board of trustees; and at the close of each fiscal quarter of the Asylum, said account shall be balanced by a statement, verified by the oath of the treasurer of the Asylum, of unexpended moneys remaining in his hands, which statement shall be accompanied by a certified statement by the clerk of the board of trustees, of the balance as shown by the books of the institution.

*When and  
by whom ac-  
count to be  
balanced.*

Sec. 7. The several amounts appropriated by the provisions Time when  
of this act shall be paid to the officer or person and persons appropria-  
authorized to receive the same, at such times and in such tions to be  
amounts only as may be made to appear to the State Treas- paid and to  
urer to be necessary for the immediate wants of said Asylum, whom.  
or for the construction of the addition thereto and the improvements thereof; and in no case shall a greater amount Amount to  
than ten thousand dollars be drawn at one time from the be drawn at  
State treasury for the purposes aforesaid. one time.

Sec. 8. The several sums mentioned in sections two and four Provision to  
of this act the Auditor General shall add to and incorporate meet appro-  
with the State tax for the year one thousand eight hundred priation.  
and seventy-one, and, when collected, said sums shall be passed to the credit of the Insane Asylum fund upon the books of the State Treasurer, and may be drawn as hereinbefore provided.

Sec. 9. The several sums mentioned in section three of this *Idem.*  
act the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-two, and, when collected, said sums shall be passed to the credit of the Insane Asylum fund upon the books of the State Treasurer, and may be drawn as hereinbefore provided.

Sec. 10. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 88. ]

AN ACT to provide for the appointment of commissioners to procure lands for the enlargement of the St. Mary's Falls ship canal.

Whereas, Congress, by an act approved August twenty-sixth, Preamble.  
eighteen hundred and fifty-two, granted to the State of Michigan the right of way, and a donation of public land, for the construction of a ship canal around the Falls of St. Mary, in said State;

Preamble. *And whereas,* Said grant was accepted by the State of Michigan by an act entitled "An act to provide for the construction of a ship canal around the Falls of St. Mary," approved February fifth, eighteen hundred and fifty-three;

Idem. *And whereas,* The growing needs of commerce require an enlargement of said canal, and the Congress of the United States having appropriated the sum of two hundred and fifty thousand dollars to enlarge and deepen the same;

Idem. *And whereas,* Certain parties have, or claim to have, rights and interests in the real estate adjacent to said canal as now constructed, and which will be necessary to be used in such enlargement; therefore,

Governor to appoint commissioners to purchase real estate. 'SECTION 1. *The People of the State of Michigan enact,* That the Governor is hereby authorized to appoint three commissioners to purchase, for the use of the State, such real estate as may be necessary for the enlargement of the St. Mary's canal.

Power of commissioners. Sec. 2. In case such commissioners are unable to agree with the owner or owners thereof for the purchase of the same, they shall have the right to fix and determine the value of any such real estate, or any interest therein, and to condemn the same to the use of the State for the purpose of the enlargement of said canal.

Damages for lands seized. Sec. 3. Whenever such commissioners shall agree with the owner or owners thereof, or shall fix and determine the value of any such real estate, or any interest therein, they shall give to the owner or owners, or the person having such interest in the same, a certificate in writing, setting forth a description of the land taken, or interest therein, and the amount of damages awarded or agreed upon.

Commissioners may fix value in certain cases. Sec. 4. In case the owner or owners, or person having an interest in such real estate, shall be non-residents, or such owner be an infant, idiot, or person of unsound mind, ~~said~~ commissioners shall fix and determine the value thereof, and make such a certificate as is provided for in section three of

this act, and deposit the same in the treasury of this State, subject to the order of such person or his legal representative.

Sec. 5. It shall be the duty of the Treasurer of the State to pay out of any moneys in the treasury to the credit of the St. Mary's Falls ship canal fund, the sums of money certified by such commissioners to have been agreed upon, or which have been awarded for damages to the owner or owners, or person interested in such real estate.

Sec. 6. That there may be no delay in the enlargement of said canal, said commissioners shall have the right to go upon and take possession of any real estate required in the enlargement of said canal.

Sec. 7. In case any real estate is purchased by said commissioners under the provisions of this act, the deeds therefor shall run to the State; and in case said commissioners are unable to agree with the owner or owners of such real estate, or with any person having an interest therein, as to the price and value of the same, and condemn the same as herein provided, and appraise the damage to the owner, or owners thereof, they shall file with the register of deeds of the county of Chippewa a statement of their proceedings, with a description of the real estate condemned by them, which statement shall be recorded at length by such register, and shall be a notice that such lands have been taken and condemned to the use of the State; and thereafter such real estate so appraised and condemned as aforesaid shall belong to and be the property of the State.

Sec. 8. Such commissioners shall [each] be entitled to three dollars and their expenses, for every day actually spent in the discharge of their duties under this act, which shall be a claim against the State as other claims, and be paid out of any money in the treasury belonging to said canal fund.

Sec. 9. This act shall take immediate effect.

Approved April 12, 1871.

[ No. 89.]

AN ACT making an appropriation for the support of the Michigan Institution for educating the deaf and dumb, and the blind, for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and for completing and furnishing the buildings, and improving the grounds, of said Institution, and for purchasing tools and stock, and to pay foremen of shops of same.

*Appropria-*  
*tions for*  
*support for*  
*1871 and 1872* SECTION 1. *The People of the State of Michigan enact,* That the sum of forty thousand [thirty-seven thousand five hundred] dollars, if so much shall be necessary, for the year eighteen hundred and seventy-one, and the further sum of forty thousand [thirty-seven thousand five hundred] dollars, if so much be necessary, for the year eighteen hundred and seventy-two, are hereby appropriated for the support of the Institution for the education of the deaf, dumb, and the blind.

*Further sum*  
*for improve-*  
*ments.* Sec. 2. For completing the inside of the main building, for furnishing the same, for improving the grounds of said Institution, for furnishing tools and stock for the shoe and cabinet shops, and to pay foremen for each, for gas-pipe and fixtures, for one piano, for chemical and philosophical apparatus, for the purchase of one horse and a spring wagon, and one sleigh, the sum of twenty thousand dollars is hereby appropriated out of the general fund. No part of such sum shall be used for tools or stock in wagon or blacksmith shops: *Provided*, No money shall be expended for the purpose of purchasing or erecting any steam-power machinery, or steam engines, in connection with said shops.

*Provision to*  
*meet appro-*  
*priations in*  
*section 1.* Sec. 3. The several sums mentioned in section one of this act, amounting to eighty [seventy-five] thousand dollars, shall be passed from the general [fund] to the Institution fund on the books of the State Treasurer, and shall be paid out by said Treasurer for the respective years therein mentioned, and drawn upon warrants made from time to time, as the wants of the Institution require, by the board of trustees, and counter-

signed by the Auditor General, to be used for the purposes specified in section one of this act, and for no other use or purpose whatever.

Sec. 4. It shall be the duty of the board of trustees of said Asylum to advertise in one weekly paper in the city of Flint, once in each week for four successive weeks, for separate sealed proposals, to be received at a stated time and place, for furnishing materials and completing the main building, for improving the grounds, for furnishing tools and stock for shops, for furnishing gas-pipe and fixtures, for furnishing one horse, one spring wagon, one sleigh, and one piano, which advertisement shall refer to specifications for each item, a copy of which specification shall be left at some proper place in said city for reference. Such contracts shall be let to the lowest responsible bidder. Such advertisement shall specify the time when such work is to be done, things and materials to be furnished, amount and quality, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice. In case any such contractor fails to perform his contract, or if no contract is made for any object, it shall be the duty of said board of trustees to cause the objects of such contracts to be accomplished in any way by them deemed advisable for the best interests of the State.

Trustees shall advertise for proposals to furnish materials, etc.

How contracts to be let.

Duty of trustees in case contractor fails to perform.

Sec. 5. The several sums mentioned in this act are hereby appropriated out of the general fund and passed to the credit of the Deaf, Dumb, and Blind Asylum, and shall be paid to the board of trustees, officer, or person and persons entitled to receive the same, at such times and in such manner and amounts only as are provided by law, and as may be made to appear to the Auditor General to be necessary for the immediate wants of said Asylum; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars.

Provision to meet appropriations.

Sum drawn at one time limited.

*Provision to meet appropriation.* Sec. 6. One-half of the aggregate of the above-mentioned sums the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-one, and the other one-half of said aggregate sums the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-two, which sums, when collected, shall be passed to the credit of the general fund.

*Provision for removing heating and blowing apparatus, and procuring another.* Sec. 7. The board of trustees of the Institution for the education of the deaf, dumb, and blind, acting in conjunction with the Governor, are hereby authorized and empowered, if it shall appear to be for the best interest of the State, to cause the heating and blowing apparatus in the said Institution for the deaf, dumb, and blind to be removed and placed in the Asylum for the Insane at Kalamazoo; and if such removal shall be made, they are hereby further authorized and empowered to procure some other suitable and economical heating and warming apparatus, and to place the same in the said Institution for the deaf, dumb, and blind.

Sec. 8. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 90. ]

AN ACT to amend sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, and twenty, of an act entitled "An act to provide for the incorporation of water-power companies," approved March twentieth, eighteen hundred and sixty-three, and section fifteen, as amended by act number fifty-one, of the session laws of eighteen hundred and sixty-nine, and to add a new section thereto, to stand as section twenty-two.

*Sections amended.*

SECTION 1. *The People of the State of Michigan enact,* That sections four, five, six, seven, eight, nine, ten, eleven, twelve,

thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, and twenty, of an act entitled "An act to provide for the incorporation of water-power companies," approved March twentieth, eighteen hundred and sixty-three, and section fifteen, as amended by act number fifty-one, of the session laws of eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows, and that there be a new <sup>Section added.</sup> section added thereto, to stand as section twenty-two:

Sec. 4. Any person owning any interest in the canal and water-power under the control of such association may become a member thereof at any time by subscribing his name to the articles of association; and any person or persons who shall purchase an interest in said water-power of any member of this association shall become a member of said association without other act, and shall succeed to all his grantor's rights and privileges in the same, as a member thereof, to the extent of the interest so purchased.

Sec. 5. When the canal or any of its appurtenances under the control of such association may need to be repaired or rebuilt, the directors of said association may cause the same to be done at the expense of the owners thereof: *Provided*, <sup>Directors may make needful repairs.</sup> That in all cases of permanent improvements of the water-power or appurtenances thereto, as distinguished from repairs, the said directors shall not be authorized to make such improvements or incur any expense concerning the same, unless first authorized by a vote of the members of said association at a regular or annual meeting thereof, or at a meeting to be called for that purpose: *And provided further*, <sup>Further proviso.</sup> That the expense of permanent improvements which are not rendered necessary for the actual preservation or protection of said water-power or its appurtenances shall be assessed and collected, in the manner hereinafter provided, only upon the members of such association and such owners of water-power not members as shall have consented thereto previous to the making of such improvement.

**Proceedings when directors make repairs unauthorized.** Sec. 6. Whenever the board of directors shall make any repairs not authorized at any meeting of said association, it shall be their duty to file with the clerk of said association a statement containing:

**What statement to contain.** *First.* A description of the work done; *Second.* The expense thereof; *Third.* The amount paid and to whom paid; *Fourth.* The amount unpaid, if any, and to whom due.

**How and when assessments to be made.** Sec. 7. For the purpose of defraying the expenses of such repairing, rebuilding, or permanent improvement, and such contingent expenses as may be incurred in the discharge of their duties as directors of such association, the said directors may make from time to time, as the work progresses, an assessment upon the owners of such water-power, assessing and apportioning to and upon each owner thereof, such portion of said expenses as the water-power used or owned by such person bears to the whole water-power furnished by such canal and its appurtenances; and when a water-power afforded by such canal is owned by a firm or corporation, such firm or corporation shall be considered as an individual member, and such assessment may be made to and upon such firm or corporation.

**How collected.** Sec. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith, and shall demand payment from each person named in said assessment of the amount apportioned to him, and if any such person shall neglect or refuse to pay the amount within five days after such demand, to the treasurer, the same may be sued for and recovered as provided in section eighteen of this act.

**How notice shall be given to non-residents.** Sec. 9. In case any person upon whom an assessment shall have been made, as is herein provided, shall be a non-resident of the county in which said water-power is located, or absent, so that personal demand cannot be made upon him by the treasurer for the payment of such assessment, then in such

case the treasurer shall give notice of such assessment by inserting a notice in some daily paper published in the town or city where such canal is located, in each issue, for four successive weeks, if a daily paper be published therein,—if not, then in a weekly paper published in the county where said canal is located, once in each week for four successive weeks, specifying the fact of such assessment, and the name or description of the interest so assessed, and the amount of the assessment: *Provided*, That in case the directors shall so direct, it shall be lawful to include one or more assessments upon the same person or interest in one notice, and by a notice by mail directed to the owners' reputed place of residence; and the publication aforesaid, and the giving of notice by mail as aforesaid, shall be deemed equivalent to a personal demand in the cases specified in this section after the publication and mailing said notices as aforesaid.

When notice  
shall be  
deemed  
equivalent  
to a person  
al demand.

Sec. 10. All assessments made under the provisions of this act shall be and remain a mortgage-lien upon the interest so assessed from and after the completion of the work for which such assessment was made, until paid, together with interest and the cost of publishing notice, if notice shall be published, and said mortgage-lien shall have preference over all incumbrances on said interest from and after the recording of a certificate, as is hereinafter provided, except incumbrances now existing thereon in good faith, and except taxes assessed or to be assessed thereon by any law of this State.

Sec. 11. After such mortgage-lien shall have attached to such interest in such canal and water-power, the secretary of such association shall make a certificate in writing, to be signed by him, and countersigned by the president, which certificate shall state:

Certificate of  
secretary rel-  
ative to as-  
sessments.

*First.* The amount of such assessment or assessments; Idem.

*Second.* That the work for which such assessment was made as been done;

*Third.* The time when the same became a lien;

*Fourth.* A description of the property or interest upon which such assessment was made ;

*Fifth.* The amount due thereon, together with the costs made thereon ; which certificate shall be verified by the affidavit of such secretary, or some member of the board of directors, and shall be recorded and indexed by the register of deeds of the county in which such water-power is situated, in the books for mortgage, the same as if it were a mortgage given by the owner of the interest so assessed, and such record, or a certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded.

*When and how recorded.*

*Foreclosure and collection of such lien.*

Sec. 12. Such mortgage-lien created as aforesaid shall be in the nature of a mortgage on real estate, and may be foreclosed and collected the same as a mortgage is now enforced and collected in equity, and shall be subject to all laws of this State in relation to the foreclosure and satisfaction of mortgages in chancery, as near as may be. All suits commenced for the foreclosure, collection, and satisfaction of such mortgage-lien shall be in the corporate name of such association.

*Idem.*

Sec. 13. Suits may be commenced for the foreclosure of such mortgage-lien at the expiration of sixty days from the time the certificate shall be recorded, as mentioned in section eleven of this act.

*How and when meetings may be called.*

*Notice for special meetings.*

Sec. 14. Meetings of the members of the association may be called by any director, and it shall be the duty of any director to call a meeting of the members of said association on the written application of three members thereof. In all cases other than the annual or regular meetings, notice of such meeting, and of the time and place thereof, shall be given by personal service thereof, if practicable, otherwise by posting a notice of such meeting on the premises of each member not personally served, in a conspicuous place, at least twenty-four hours before the time of meeting; and proof of the time and manner of such service, by affidavit of the person serving

the same, shall be made and filed with the secretary of the association.

Sec. 15. The board of directors are also authorized, in case they deem it expedient for the safety and well-being of the property under their control, to employ a competent watchman to watch during the night, to see that the canal or its appurtenances receive no injury from breaks in embankments or other causes; and they may prescribe his duties and fix his compensation, and raise means to pay the same in the manner hereinbefore provided.

The board of  
directors  
may appoint  
a watchman.

Duty and  
compensa-  
tion of same.

Sec. 16. The said board of directors shall have power to make all necessary contracts in the name of the corporation to carry out the duties imposed upon them by this act, which contract shall be signed by the president of the board, if in writing, in the corporate name thereof.

Contracts ;  
how and by  
whom made.

Sec. 17. The treasurer of said board shall receive all moneys paid to him on assessment, and hold the same, to be paid out on the order of the said board, certified to the president hereof.

Treasurer  
shall receive  
and pay out  
all moneys.

Sec. 18. All sums due from any person upon any assessment authorized by this act may be recovered with interest in an action of assumpsit brought in the name of the corporation, in any court of competent jurisdiction, or as provided in section twelve of this act.

Sums due  
may be re-  
covered in  
an action of  
assumpsit.

Sec. 19. At the annual meeting of the members of said association held for the election of officers, pursuant to the by-laws thereof, the members representing the majority of interest in such water-power may, by vote, make disposition of all the funds shown by the report of the treasurer of the board of directors, to be made to said meeting, to be in his hands, and such funds shall be paid out as so voted by said treasurer upon the certificate of the president of said board.

Disposition  
of funds on  
hand at time  
of annual  
meeting.

Sec. 20. Said association shall have power by its by-laws to regulate the use of the water transmitted through the canal under its control by the several owners thereof; to determine

Powers  
through the  
by-laws.

Powers through the by-laws. the absolute or average head of said water, for the measurement of the quantity to be used by the several owners thereof in proportion to their interest in the water-power furnished by said canal; and to provide for the construction and maintenance in good order of all flumes, gateways, and other structures built to draw water from said canal, and for the tightening, contracting, or enlarging of the same according to the various stages of water in said canal; and in said by-laws to provide for the manner in which the aforesaid regulations shall be made, published, and enforced; and to provide for regular meetings of the association, and the time and place of holding the same.

Tenants in common of water, etc., liable for just share of cost of repairs, etc., without having been previously requested to join in same. Sec. 22. All owners of water-power afforded by any canal or its appurtenances, which is under the control of any association formed under this act, who are tenants in common of the water, water-power, or easements, or canal and appurtenances with the members of said association formed under this act or the act to which this act is amendatory, shall be deemed to have consented to the making of such repairs and improvements as are proper or necessary for the protection and preservation of such canal and its appurtenances, and such as render the same generally available to the owners thereof, and it shall not be necessary in any such case, in any proceeding under this act, to allege or show a previous request made to them to join in making such repairs and improvements, but they shall be respectively liable to pay their just proportion at the time and in the manner in this act provided.

Sec. 2. This act shall take immediate effect.

Approved April 12, 1871.

## [ No. 91. ]

AN ACT to further amend an act entitled "An act to provide for the construction of train railways."

SECTION 1. *The People of the State of Michigan enact,* That <sup>Sections amended.</sup> sections one and ten of an act entitled "An act to provide for the construction of train railways," approved February thirteenth, eighteen hundred and fifty-five, being sections two thousand and sixty-seven and two thousand and seventy-six, in chapter seventy-one, of the compiled laws, be amended so as to read severally as follows:

(2067.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than three, may be formed <sup>Three or more persons may organize.</sup> into a corporation for the purpose of constructing, owning, and operating a train railway or road for the conveyance of persons or property, to be operated by horse or other animal power, or by steam, or by pneumatic or any other motive power, or by any combination of them, as shall be determined by the board of directors, by complying with the following requirements: Notice shall be given in at least one newspaper printed <sup>Notice to be published.</sup> in any county through which or in which such railway is intended to be constructed, of the time and place or places where books for subscribing for the stock thereof will be opened, and if there be no newspaper printed in the county, then such notice shall be printed in the city of Detroit; and when stock to the amount of one thousand dollars per mile of <sup>When may elect directors, etc.</sup> the said railway so intended to be built shall be in good faith subscribed, and ten per cent paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect directors for said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the company; the number of years the same shall be continued, which shall not exceed thirty years from the date of said articles; the amount of the capital stock of said company; the number of shares of which said stock shall consist; the number of directors and their <sup>What the articles of association shall contain.</sup>

names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from and to which the proposed railway is to be constructed, and each mine, city, and village to or through which it is intended to pass, and its length, as near as may be.

*May enter upon lands for the purpose of surveying line of road, etc.*

*Width of road.*

*How damages for right of way etc., ascertained and paid.*

*Provision for changing line and taking land for new line.*

(2076.) Sec. 10. It shall be lawful for such company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of such railway, doing thereto no unnecessary damage, and paying any damage that may accrue; nor shall such company locate such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or erections for the purpose of trade or manufacture without permission from the owner or owners; and when the said route shall be determined by said company, it shall be lawful for their officers, agents, engineers, contractors, and servants, to enter upon, take possession of, and use such lands, to the width of one hundred feet, as said company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take, and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such railway, toll-houses, gates, fixtures, and appurtenances, the necessity for taking such lands for such purposes, and the damages to be paid therefor, being first ascertained, and such damages paid as provided in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred and fifty-one. If, at any time after the location and use of the track of any railway company organized under the provisions of this act, it shall appear to the directors of said company that the line, in some parts thereof, may be improved, it shall be lawful for said directors from time to time to alter the line,

and when a new line is adopted, to take possession of the lands, embraced in such new location, that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under this act, and use the same in place of the line for which the new line is substituted.

Sec. 2. Said act is further amended by adding thereto the <sup>Sections added.</sup> two sections following, to stand severally as sections forty-one and forty-two, to wit :

Sec. 41. Any railway company now or hereafter to be organized under this act, shall have the right to cross, intersect, join, and unite its railway with any other railway or railroad now or hereafter constructed, whether the same be so constructed under this act or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railway or railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company, whose railway or railroad shall be intersected by any new railway or railroad, shall unite with the owners of such new railway or railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners, to be appointed by the court, as is hereinbefore provided for the taking of lands and other property, and to purchase or to take lands, franchises, or other property, as hereinbefore provided, which shall be necessary for the construction of its road.

How companies may intersect, cross, or join with other roads.  
Old companies shall unite with new.  
Manner of determining compensation when companies cannot agree

To what corporations this act applicable. Sec. 42. All the provisions of this act, as amended, shall be applicable to all corporations now organized under this act, as though specifically named.

Sec. 3. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 92. ]

**AN ACT** to amend sections six, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty-one, thirty-three, and thirty-four, of act number one hundred and thirty-six, of session laws of eighteen hundred and sixty-nine, entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within the State," approved April third, eighteen hundred and sixty-nine, and to add two new sections thereto, to stand as sections forty and forty-one.

Sections amended.

**SECTION 1.** *The People of the State of Michigan enact,* That sections six, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty-one, thirty-three, and thirty-four, of act number one hundred and thirty-six, of the session laws of eighteen hundred and sixty-nine, entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April third, eighteen hundred and sixty-nine, be and the same are hereby amended to read as follows, and to add two new sections, to stand as sections forty and forty-one:

Sections added.

Amount of capital stock

How increased.

Sec. 6. The capital stock of any stock company organized under this act shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders, to not more than one million dollars; nor shall any company hereafter organized on the plan of mutual insurance commence business in this State until agreements have been

entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which notes of solvent parties, founded upon actual and *bona fide* application for insurance, shall have been received. No one of the notes received as aforesaid shall amount to more than five hundred dollars; and no two thereof shall be given for the same risk, or made by the same person or firm, except where the whole amount of such notes does not exceed the sum of five hundred dollars; nor shall any note be regarded or represented as capital stock unless a policy to be issued upon the same within thirty days after the organization of the company taking the same, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as may be necessary for transacting the business of said company; and no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of the clerk of the circuit court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good, and responsible for the same in property not exempt from execution by the laws of this State; and no such note shall be surrendered while the policy for which it was given continues in force. But no company organized on the plan of mutual insurance, and insuring against any other risks mentioned in section one of this act, shall hereafter do any business, or take any risks, or make any insurance, in any more than two counties in this State, which counties shall be contiguous, and which counties, in the case of companies hereafter organized, shall be named and set forth in their articles of association, and in the statement required by section three to be filed in the office of the

How mutual  
companies  
may or-  
ganize.

Amount of  
notes limited

When notes  
may be re-  
garded as  
capital stock

Notes pay-  
able when  
directors  
deem requi-  
site.

Provision  
regarding  
notes accept-  
ed as capital  
stock.

Not to be  
surrendered  
while policy  
is in force.

Mutual com-  
panies limit-  
ed to two  
counties.

**Fire insurance companies doing business in this State.** Secretary of State. No fire insurance company organized under this act, or transacting business in this State, shall expose itself to any loss on any one fire or inland navigation

**Risks limited.** risk, or hazard, to an amount exceeding ten per cent of its paid-up capital, nor shall any fire insurance company organized under the laws or by authority of any foreign government expose itself to any loss on any one fire or inland navigation risk, or hazard, to an amount exceeding ten per cent of its deposit capital in the United States.

**Annual statements.** Sec. 24. All insurance companies, associations, corporations, partnerships, or individuals transacting the business of fire or fire and marine insurance in this State, incorporated by or organized under the laws of any other State of the United States, shall make annual statements to the Secretary of State, in such manner and on such detailed forms as may be prescribed when made. or furnished by him, of their condition and affairs upon the thirty-first day of December preceding, on the first day of January in each year, or within thirty days thereafter. Companies,

**When made by foreign companies.** associations, corporations, partnerships, or individuals incorporated and organized under the laws and authority of any foreign government, authorized to transact business in this State, shall be required to make and file their annual statements on the first day of June in each year, or within sixty days after their annual meeting as specified in their respective

**Supplementary statements of business in U. S.** charters or acts of incorporation. They shall also cause to be made out and filed supplementary annual statements of their business in the United States for the year ending the thirty-first day of December, on the first day of January in each year, or within sixty days thereafter. Such supplementary reports

**How to be made.** shall be made out in the same manner as the reports required from companies organized under the laws of other States of the United States, and the managers, resident directors, or general agents for the United States shall, for the purposes of making such supplementary reports, be deemed the legal and proper officers of such companies or corporations.

Sec. 26. It shall be the duty of the Secretary of State, as often as once in six months, to appoint one or more competent persons, not officers of any fire insurance company doing business in this State, to examine into the affairs of any fire insurance company incorporated under any law of this State, and whenever he shall deem it expedient so to do, to examine into the affairs of any such company incorporated or organized under the laws of any other State of the United States doing business by its agents in this State; and it shall be the duty of the officers or agents of any such company doing business in this State to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examination so far as it may be in their power to do; and for that purpose the said Secretary of State, or the person or persons so appointed by him, shall have power to examine, under oath, the officers and agents of any company relative to the standing and condition of said company; and whenever the said Secretary of State shall deem it for the interest of the public so to do, he shall publish the result of such investigation in one or more papers in this State; and whenever it shall appear to the said Secretary of State, from such examination, that the assets of any company incorporated under any law of this State are sufficient to justify the continuance in business of any such company, he may direct the officers thereof to require the stockholders to pay in the amount of such deficiency within such period as he may designate in such requisition, and in case any such company shall fail to pay in and make good the full amount of such deficiency within thirty days after such requisition and direction as aforesaid, it shall be the duty of the Secretary of State to give notice of such failure in some newspaper published in the county where the office of such company is located by its charter; such notice shall contain a brief statement of the fact of such failure to comply with this section, and shall be published in such paper once in each week for three successive weeks. It shall not be lawful

Examination by Secretary of State.

Books of company to be opened for inspection.

May examine officers under oath.

Publication of result.

When deficiency to be paid in.

Notice of failure to pay in.

~~When com- after the first publication of such notice for such company to  
pany not to issue policies~~ issue any policy of insurance, or to make any contract for the

~~Penalty for violation.~~ same, or to transact any business under its charter, except to close up its business; and all contracts of insurance and poli-

cies issued after such first publication of such notice shall be void and of no binding force, and the person or persons making such contracts or issuing such policy shall be liable, in an action of trover, to the person assured, in double the sum named as premium in such contract or policy, and the Secre-

~~Application for appointment of receiver.~~ tary of State may apply to any circuit court in the State, or if in vacation to any judge thereof, for an order requiring them to show cause why the business of such company should

not be closed and a receiver appointed of its assets and funds, and the court or judge shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of such court, or the judge thereof, on the hearing of such proofs, that the assets and funds of such company are not sufficient, as aforesaid, or that for any cause such company is not entitled to trans-

act business in this State, the said court or judge thereof shall decree a dissolution of such company, and a distribution of its effects. The said court or judge thereof shall have power

~~Referee may be appointed~~ to refer the application of the Secretary of State to a referee, to inquire into and report upon the facts stated therein. Upon

~~Report of examination to be prima facie evidence.~~ any such investigation before such court, judge, or referee, the report of the persons appointed by the Secretary of State to examine into the affairs of such company shall be *prima facie* evidence of the facts therein contained. The corporate exist-

~~Corporate existence; how proved.~~ ence of such company may be proved, if necessary, by a copy of the articles of association, with a certificate of the Secretary of State attached, that such copy is a duplicate of the copy on

~~Prosecuting Attorney to appear for people.~~ file in his office. It shall be the duty of the prosecuting attorney of the county where such proceedings are instituted, on application of the Secretary of State or the Attorney General, to appear for the people and prosecute the same.

Sec. 28. And it is hereby declared that in the event of any additional losses accruing upon new risks, taken after the expiration of the period limited by the said Secretary of State in the aforesaid requisition for the filling up of the deficiency in the capital and assets of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof. And if, upon such examination, it shall appear to the said Secretary of State that the assets of any company chartered on the plan of mutual insurance under any law of this State are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said Secretary of State for filling up the deficiency in the capital and assets of such company, and before such deficiency shall have been made up. Any transfer of the stock of any company, organized under this act, made during the pending of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer. All the provisions of section twenty-six of this act shall apply to any company chartered on the plan of mutual insurance under the laws of this State; and whenever it shall appear to the said Secretary of State that the affairs of any company not incorporated by the laws of this State are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in some paper of general circulation in this State for four weeks; and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policy, and the renewal of any previously issued; and the agent or agents of any such company not incorporated by the laws of this State who shall issue any new policy, or make

Directors ;  
when liable  
for losses.  
  
Mutual com-  
panies may  
be prose-  
cuted against  
same as  
stock com-  
panies.  
  
When direc-  
tors liable.  
  
Transfer of  
stock not to  
release party  
from liability  
  
To be sub-  
ject to pro-  
visions of  
section 26.  
  
Revocation  
of authority  
to do busi-  
ness.  
  
Publication  
of same  
  
Penalty for  
doing busi-  
ness subse-  
quently.

any contract for the same after such publication, shall be liable in an action of trover to the persons assured in double the sum named as premium in such policy or contract.

*How recovered and disposed of.*

Sec. 29. Every penalty provided for by this act, or by any other act heretofore enacted by the Legislature of this State relating to insurance, shall be sued for and recovered in the name of the People by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated; one-fourth of said penalty, when recovered, shall be paid to the party making the complaint, and the remainder shall be paid into the treasury of said county; and in the case of the non-payment of such penalty the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof; such penalties may also be sued for and recovered in the name of the People, by the Attorney General, and, when sued for and collected by him, shall be paid into the State treasury.

*Non-payment of cause for imprisonment.*

*Atty Gen'l may sue for penalty.*

*Certificates; copies and duplicates of furnished free.*

Sec. 31. The certificates of authority required by section twenty-three of this act, and all necessary duplicates and copies, shall be furnished to the several companies by the Secretary of State without charges or fees, but every county clerk may demand and receive for every such certificate filed in his office under this act the sum of twenty-five cents.

*Fee for filing in clerk's office.*

*Expenses of examination; how paid.*

Sec. 32. The necessary expenditures of any examination made or ordered to be made by the Secretary of State under this act shall be certified to by him, and paid on his requisition by the company which is the subject of such examination, not exceeding five dollars per day and expenses: *Provided*, The cost and expenses of the examination of any company incorporated under the laws of any other State, or any foreign government, the central or general office of which is outside this State, shall be certified by the Secretary of State to the Auditor General as proper and reasonable, and upon the receipt of such certificate the Auditor General shall draw his warrant

*Proviso.*

for the same, payable out of the general or contingent fund of the State, and the State Treasurer, on the presentation of any such warrant, is hereby authorized and directed to pay the same.

**Sec. 34.** Any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State, or any foreign government, doing business within this State, shall, as a condition precedent to the renewal of an annual certificate by the Secretary of State, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of fire policies issued by its agents, and procured by or written for sub-agents, solicitors, or brokers, upon property owned by residents of, or situate in the State of Michigan; also, a like statement of the marine insurance business transacted in the State of Michigan, and the gross amount of premiums received or secured thereon during the year then terminated; and shall pay into the hands of the State Treasurer a specific tax of three per cent on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered from any company neglecting or refusing to pay the same, in any court, at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on such corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act.

Taxes on premiums;  
statement therefor.

On what paid, and how recovered.

Receipt of State Treas-  
urer.

**Sec. 2.** The following additional sections shall stand as sections forty and forty-one of said act, and shall read as follows:

Sections amended.

**Sec. 40.** Any company formed under this act shall have the power to amend its articles of association at any regular meeting of the stockholders or members called by the directors for that purpose; but notice of such meeting, and of the purpose for which it is called, shall be served on each of the stockholders, or, if it is a mutual company, on each of the members,

Amend-  
ments of ar-  
ticles of as-  
sociation.

either personally or by directing the same through the post office to the last known postoffice address of such stockholder or member, at least three weeks previous to such meeting; ~~Must be submitted to Atty. Gen'l.~~ but such amendments shall not take effect until submitted to the Attorney General, and certified by him not to conflict with the constitution or laws of this State, nor until a copy thereof signed by the president and secretary of the company, shall be filed in the office of the Secretary of State, and of the county clerk where the original articles were filed.

*Acts repealed.*

Sec. 41. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved April 12, 1871.

[ No. 93. ]

AN ACT to amend section seven, of chapter nineteen, of compiled laws, as amended by act number seventy-one, of the session laws of eighteen hundred and sixty-nine, relating to the duties of overseers of highways.

*Section amended.*

SECTION 1. *The People of the State of Michigan enact,* That section seven, of chapter nineteen, of compiled laws, as amended by act number seventy-one of the session laws of eighteen hundred and sixty-nine, be amended so as to read as follows:

*When highway taxes to be collected.*

*Duties of overseer.*

Sec. 7. Every overseer of highways shall cause at least two-thirds of the assessment of highway taxes to be collected from all the resident inhabitants of his district before the first day of July, and all the remainder of said assessment before the first day of November, and if after the account required in section seventeen, of chapter twenty-one, of compiled laws, shall have been rendered, and before the township meeting following next thereafter, it shall be necessary to remove obstructions from the highway, or to repair culverts or bridges

injured by freshets or otherwise, the proper overseer of highways is hereby authorized and required to call out any person or persons in his district liable to pay highway tax, to remove such obstruction, or to repair such culverts or bridges; and said overseer of highways is hereby further required to give such person or persons a written certificate stating the number of days worked by each, which shall be allowed to them on the next year's highway tax: *Provided*, No person shall be called upon for labor to exceed the amount of one-half of his tax the previous year.

To call out persons.

To give certificate of number of days worked

Approved April 12, 1871.

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[ No. 94. ]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act for the incorporation of insurance companies, and defining their powers and duties,' approved March twenty-eighth, eighteen hundred and sixty-seven," by adding a section thereto, to stand as section twenty-four.

SECTION 1. *The People of the State of Michigan enact*, That in act entitled "An act to amend an act entitled 'An act for the incorporation of insurance companies, and defining their powers and duties,' approved March twenty-eighth, eighteen hundred and sixty-seven," be amended by adding a section thereto, to stand as section twenty-four, to read as follows:

Sec. 24. That in all cases whereby the charter and by-laws of a mutual insurance company organized under the laws of this State, and doing business in any county of this State, upon applications or agreements, and without taking from the insured any premium note or notes, it shall be lawful for any such mutual insurance company to make assessments upon such agreements or the policies issued thereon, pro rata, according to the amount of such agreements or policies, for

Pro-rata assessments upon agreements or policies, when authorized by the charter and by-laws.

To have  
same effect  
as if made  
upon premium  
notes.

the payment of the losses and expenses incurred by such insurance company, the same as is provided by law for the assessment of premium notes taken by mutual insurance companies; and such assessments shall have the same force and effect as though made upon premium notes, and shall be binding upon the persons so assessed as though made upon such premium notes.

Approved April 12, 1871.

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[ No. 95. ]

**AN ACT** regulating the responsibility of the agents of insurance companies doing business in this State.

Agents per-  
sonally re-  
sponsible to  
company.

SECTION 1. *The People of the State of Michigan enact,* That any person who shall be appointed or who shall act as agent for any insurance company within this State, and who shall solicit applications, issue policies or renewals, and collect premiums, either for original insurances or renewals, or who shall receive or collect moneys from any source or on any account whatsoever, as such agent, for any insurance company doing business in this State, whether such company be organized under the laws of this State or any other State of the Union, such person shall be held personally responsible to such company for any moneys received by him for such company.

Penalty for  
embezzle-  
ment.

Sec. 2. If any such agent or person shall embezzle, or convert to his own use, or shall take or secrete, or otherwise dispose of, with intent to embezzle or use, or shall withhold or appropriate, invest, loan, or otherwise fraudulently apply, or make use of, without the consent of such company, or contrary to its instructions, any money belonging to such company which shall have come into his possession, or shall be under his care by reason of such agency, he shall be deemed by so doing to

have committed the crime of larceny, and on conviction shall be subject to the fines and penalties provided by the laws of this State in such cases.

Approved April 12, 1871.

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[ No. 96. ]

AN ACT to provide for the incorporation of ferry companies.

SECTION 1. *The People of the State of Michigan enact,* That corporations may be formed for the purpose of owning and operating ferries duly licensed, in the manner following:

Sec. 2. Any five or more persons desirous of organizing such a corporation may execute articles of association which (amongst other things) prescribe: Five persons may execute articles of association.

*First.* The name of the corporation;

Contents of name.

*Second.* The ferry which (license being obtained) it is the purpose of the association to own and operate;

*Third.* The amount of the capital stock of the company, and the number of shares thereof;

*Fourth.* The time and place of holding the first and other annual meetings;

*Fifth.* The number of directors, and the names of those who shall manage the affairs of the corporation for the first year and until others are elected.

Sec. 3. Each of the associates shall execute the articles by Execution of articles. subscribing his name thereto, either in person or by attorney, with the addition of his place of residence, and the number of shares taken by him in the company.

Sec. 4. When the whole number of shares shall have been subscribed, at least two of the directors named in the articles shall, by their affidavit endorsed thereon, or annexed thereto, verify the due execution of the articles by the persons whose names are thereto subscribed. Affidavit of directors.

*Articles filed  
with Secre-  
tary of State.* Sec. 5. The articles of association, with the affidavit of the directors verifying the execution thereof, shall be filed with the Secretary of State, and thereupon the persons who have subscribed the same, and all other persons who shall thereafter become stockholders in such company, shall be a body corporate, by the name specified in the articles, and, on such, capable of receiving a license from the proper board of supervisors or municipal authorities of the ferry contemplated by the articles, of operating said ferry, and receiving fares or tolls authorized by the license, and of acquiring, conveying, or mortgaging any real property, including rights of way, easements, or rights of wharfage, or any personal property which may be requisite and proper for the purposes for which the corporation was organized.

*Register of  
stock.* Sec. 6. Such corporation shall keep a register of the names of the shareholders for the time being, with the number of shares held by each, which register shall be open to the inspection of all persons desiring to examine the same.

*Annual  
statement.* Sec. 7. Such corporation shall annually make out a statement and furnish the same to the board of supervisors or municipal authorities by whom its ferry license was granted, at their regular annual meeting in each year, a statement showing the amount of the capital stock of the company paid in, the value of its real and personal property, and the receipts and expenditures of the company during the year preceding the date of the report, which statement shall be signed by the president and a majority of the directors, and verified by the secretary, agent, or officer making the same.

*Liability of  
stockholders* Sec. 8. The stockholders of the company shall be liable for the debts of the company in the same manner and to the same extent, and each shall have the same right to contributions from others, as is provided for in the case of stockholders in tram railway companies by articles two thousand and eighty-four, two thousand and eighty-five, and two thousand and eighty-six, of the compiled laws.

Sec. 9. A copy of any articles of association, filed in pursu- Copy of ar-  
ticles evi-  
dence in  
court.ance of this act, with a copy of the affidavit verifying the execution thereof endorsed thereon, or annexed thereto, and certified by the Secretary of State to be a true copy of said articles and of said affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated.

Sec. 10. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 97. ]

**AN ACT** to provide for the publication of the laws of eighteen hundred and seventy-one.

**SECTION 1.** *The People of the State of Michigan enact,* That Classification  
and  
publication. the acts passed by the Legislature of the State of Michigan in the year eighteen hundred and seventy-one shall be classified by the Secretary of State, and printed and bound in two or more volumes, if deemed necessary by him for their convenient use, as follows: The first volume shall contain all acts of a First vol-  
ume. general nature, joint resolutions, concurrent resolutions, amendments of [to] the constitution, certified statements of the boards of supervisors relative to the erection of new townships, and annual report of the State Treasurer for the year eighteen hundred and seventy; the second volume shall contain all Second vol-  
ume. charters of cities, villages, or other municipal bodies, and amendments thereto; the third volume, should it be deemed Third vol-  
ume. necessary to have a third volume, shall contain all acts of a purely local or personal nature.

Sec. 2. The Secretary of State is hereby directed to compile, Compilation  
and distribu-  
tion of high-  
way laws. and cause to be printed in pamphlet form, all the laws in [of] his State now in force, and all the laws that may be enacted by the Legislature of Michigan at its present session, relative to

highways and bridges, and the duties of commissioners and overseers of highways, together with Young's Forms and Proceedings, contained in the edition of eighteen hundred and sixty-seven, so far as the same may be applicable; and he shall forward to each of the county clerks a sufficient number of copies of said laws to furnish one copy to each county clerk and county treasurer, and to each commissioner of highways, supervisor, township clerk, and township treasurer in each organized township in the State.

Sec. 3. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 98. ]

AN ACT to authorize the election of a township drain commissioner in each organized town, and to authorize him to locate, establish, and construct ditches, drains, and water-courses in his respective towns, and to repeal all other drainage laws in relation thereto.

Election.

SECTION 1. *The People of the State of Michigan enact,* That there shall be elected, at the town election in April, in the year eighteen hundred and seventy-one, and annually thereafter, in each of the organized towns of the State, one township drain commissioner, who shall take, subscribe, and file with the town clerk, the oath required by the constitution of this

Oath of office.

Powers of.

and shall have power under this act to locate, establish, and construct ditches, drains, and water-courses in their respective towns, and to alter, enlarge, extend, and clear those already located, laid out, and established under any law of this State: *Provided,* That whenever a vacancy shall occur in the office provided for in this act, the same shall be filled by the township board of such township; and it shall be their duty to fill such vacancy within thirty days after such

Proviso.

vacancy shall occur: *Provided*, That in townships where no *Proviso*. drain commissioner shall be elected in eighteen hundred and seventy-one, it shall be lawful for the township board of such town to appoint a drain commissioner for that year, with the same force and effect as if duly elected, and he shall be qualified and sworn as if elected, and shall hold his office until his successor is duly elected and qualified under this act, and with the same powers, duties, and obligations.

Sec. 2. When any person or persons interested in establishing a water-course, or locating a ditch, for the purpose of Proceedings on application for locating ditch. draining any swamp, lake, marsh, or other low lands, in any township in this State, shall make application to the drain commissioner of such township to establish such water-course, or locate such ditch, and shall give such commissioner good and sufficient security, in writing, to pay all costs and expense of whatever kind, pertaining to the action of said commissioner about such application, in case such application shall not be granted, said commissioner shall at once appoint a time and place for an examination upon such application, and shall give notice thereof, in writing, to all persons interested in such Notice of meeting for examination of same. ditch or water-course who reside in such township, which notice shall be served upon each of such persons at least five days before the day appointed as aforesaid, by delivering a copy to such persons, or by leaving a copy at the residence of such persons, with some person of suitable age; and when any person or persons interested in such water-course or ditch reside out of such township, such commissioner shall publish such notice for three successive weeks, next before such day appointed, in a newspaper of general circulation in the county in which such township lies, or when there is no such newspaper in such county, in a newspaper of general circulation in an adjoining county, unless he shall serve written notice, as above provided, on all such persons living out of such township, in which case the persons upon whom such notice is made shall have one day's notice for every twenty miles' travel (excluding Sundays) Notice to non-residents.

*Commissioner may administer oaths.*

*Powers and duties of commissioner in relation to application.*

from their residence to such place appointed, in addition to the five days' notice provided above; and a copy of such notice, with an affidavit of service or publication, or both, as above provided, shall be taken as evidence that the same has been regularly served or published, or both regularly served and published, as the case may be; and said drain commissioner may administer any oaths provided for in this chapter.

Sec. 3. Said drain commissioner, at the time and place appointed, as provided in the preceding section, shall proceed to examine such water-course or line of proposed ditch, and to hear all persons interested, and for that purpose shall have power to enter upon any lands in his township, and may also adjourn such examination and hearing, from time to time, as to him shall seem fit, by publicly announcing the time and place to which such adjournment is made.

*Pay of com-missioner.*

Sec. 4. If said drain commissioner, after such examination and hearing, determine not to establish such water-course or locate such ditch, or if the jury or commissioners hereinafter provided for shall so decide as to prevent the establishment of such water-course or locating such ditch, then said applicant or applicants shall immediately pay said commissioner all his just and legal costs, charges, and expenses, including all moneys said commissioner may have paid, or become obligated to pay, the other persons in the same manner.

*Proceedings in case drain is found necessary.*

Sec. 5. On such examination and hearing, if said drain commissioner shall deem it necessary to drain such lands mentioned therein, and for the health of the inhabitants of such town, he shall immediately proceed to establish such water-course or locate such ditch, and to that end he shall cause a survey and measurement thereof to be made, if he deems it necessary, and shall decide upon the commencement, courses, distances, depth, width, and termination thereof; and if any of the owners of the land through which said water-course or ditch is to run shall not release all claim for compensation therefor, the said commissioner, at the time of the examination and hearing

*Proceedings when own-ers of land do not re-lease claim for compen-sation.*

mentioned in the foregoing sections, shall make a list of twenty-four disinterested freeholders residing in the vicinity of such land, and in the same county, from which said commissioner shall strike off the names of six, and the owners of such land six; but if such owners do not appear at said examination and hearing, or appearing refuse or neglect to act, then said drain commissioner shall strike off other six, and the remaining twelve shall be elected; and said commissioner shall at once issue a *venire*, signed by him, directed to the sheriff or any constable of said county, commanding him to summon said jurors, naming them, to be and appear before him forthwith, or at such other time as he shall direct, not more than three days from the date of said *venire*, to serve as jurors to ascertain the necessity of taking certain property (describing it) for the purpose of such water-course or ditch, and the just compensation to be paid therefor; and if all such jurors shall not appear, said sheriff or constable shall summon talesmen to make a full jury. Said jurors shall be sworn to ascertain the necessity of taking the land described in the *venire*, for the purpose of opening said water-course or ditch, and to appraise the just compensation to be paid to the owner or owners thereof, if any. Said jury, after viewing the premises described in said *venire*, shall make return to said drain commissioner, in writing, signed by all or a majority of them, of their doing, which shall state as to the necessity of taking such tract or tracts of land described in the *venire* for the purpose of opening said water-course or ditch, and the just compensation to be paid to the owner or owners therefor, if any, and to whom payable; and in case said jury cannot agree, another jury may be chosen and sworn in like manner as the first, on the same or some other day to be appointed by said commissioner, who shall act and make return as aforesaid, and successive juries may be chosen, sworn, and act as aforesaid, until they shall agree, if the parties interested desire it; or said drain commissioner may then, or in the first instance, apply to Sheriff to summon jurors and fill jury.

Oath of jurors.

Return of jury to commissioner.

Successive juries chosen until they agree.

Commissioners may be appointed by probate court. the probate court of their county for the appointment of three commissioners to act in place of said jury, who shall take the same oath and perform the same duties prescribed above for

Proviso. said jury: *Provided*, That if said jury or commissioners shall certify that the taking of said land for the purpose of said water-course or ditch is not necessary, all further action in that case shall be suspended for twelve months, at the expiration of which time another jury or set of commissioners may be called or appointed as aforesaid, if the parties desire it.

Proceedings when claims are released or compensation awarded.

Sec. 6. If the owners of the land through which such water-course or ditch is to run shall release all claims for compensation therefor, or said jury or commissioners of appraisal shall return that it is necessary to take said land for the purpose of said water-course or ditch, and shall award the just compensation therefor to be paid to the owners of said land, said drain commissioners shall, as soon thereafter as may be, proceed to apportion the labor of opening and maintaining said water-course or ditch upon the lands drained or benefited thereby, or the township at large, in such proportion as he shall deem just and right; and shall cause a measurement to be made of such portion thereof as he shall award to each piece or tract of land, and shall number the same, and cause a stake or monument to be placed at the commencement of each portion, with the number of the same marked thereon on the side towards the portion designated by the number; and he shall cause a survey to be made, showing the commencement, intermediate courses and distances, depth, width, and termination of such water-course or ditch, also showing the portions into which such water-course or ditch is divided, and the length and number of each portion, and he shall make an official certificate of his doings, showing the establishment of such water-course or location of such ditch, referring to such survey for the commencement, courses, distances, depth, width, and termination of the same, and further showing what portions of such water-course or ditch he has apportioned to be opened

Official certificate of commissioner and where filed.

and maintained by each piece or tract of land to be drained or benefited thereby, and the length and number of such portion, which certificate, together with said survey, and all other papers in the case, shall be attached together and filed in the office of the clerk of the township in which such water-course or ditch is to be opened, to be preserved as the records of such township, for the benefit of those interested; and such clerk Entry to be made of same in a book for that purpose shall make an entry, in a book kept for that purpose, of papers so filed, showing the kind of paper and date of entry, and showing in what part of such township such water-course is established or ditch located, and name of ditch, which entry shall be *prima facie* evidence of the existence of such papers at the date of such entry, and of their having been duly filed at such date; and such award and apportionment of labor as Award, etc., a lien upon land. aforesaid, when duly filed as aforesaid, shall thenceforth be a *lien upon* each piece or tract of land so drained and benefited, to open and maintain such portion of such water-course or ditch so apportioned to it, and an obligation against the owners thereof: *Provided*, That in case of application for *Proviso.* clearing any natural water-course, it shall not be necessary to level and survey the same, but simply to divide the water-course into sections.

Sec. 7. If all the owners of the land to be drained or benefited by such water-course or ditch shall agree in writing, signed by them, upon the establishment of such water-course or location of such ditch, and its dimensions, and the apportionment of the labor that each tract of land drained or benefited thereby is to bear in opening and maintaining the same, and shall release all claims for compensation for the opening of the same across their land, and shall make such a survey as is provided for in the foregoing section, and shall file such survey and agreement in the clerk's office for such township, and shall fix stakes or monuments as provided in the foregoing section, then such water-course shall be established or ditch located, with all the force and effect, and be as How ditch, etc., may be located, when all parties agree.

binding in law, as if established or located by the drain commissioner under the provisions of this act; and said clerk shall file and make entries of all such papers, which shall have the same force and effect as provided in the foregoing section for papers filed and entered in his office.

*How and  
when ditch,  
etc., located  
under sec. 7  
shall be  
opened.*

Sec. 8. When such water-course is established or ditch located, and apportionment thereof made, and papers filed as provided in the foregoing section, by agreement of parties or by act of the commissioner, it shall be the duty of each owner of the land upon which such apportionment is made to fully open such portion of such water-course or ditch as has been apportioned to his land, to be opened and maintained by the first day of October next after such papers are filed; and in all cases parties shall have at least three months to complete such work. If any portion of such water-course or ditch is not opened by the time above provided, said drain commissioner shall, as soon as practicable, cause the same to be done, either by public letting to the lowest responsible bidder or private contract, on such reasonable terms as he may be able to procure; and he shall give to the persons who shall have performed their contracts thereon, certificates showing the amount and value of the labor performed by such persons on each contract respectively, with a description of the land against which such labor was performed.

*Commis-  
sioner to ap-  
portion cost  
of same.*

Sec. 9. Said drain commissioner shall apportion all the just fees, costs, and expenses of all the officers and persons engaged in any manner in establishing such water-course or locating such ditch, upon the lands drained or benefited thereby, in such proportion as shall to him seem just; he shall also, in the same manner, apportion the compensation awarded by the jury or commissioners of appraisal, to certain of the owners of the lands through which such water-course or ditch runs, except that the lands to the owner of which such compensation is to be paid shall not be liable to the apportionment of any part of such compensation; and he shall apportion all the fees, costs,

and value of the labor of opening any portion of such water-course or ditch caused to be opened by him under the provisions of the foregoing section, to the land to which the opening of such portion was apportioned; and he shall make a statement in writing, signed by him, showing his apportionment to each tract of land, of the fees, costs, and expenses of officers and other persons in establishing such water-courses or locating such ditch; also, of the compensation to be paid to owners of land as aforesaid, and of fees, costs, and value of labor of opening any portion of such water-course or ditch caused to be opened by said drain commissioner as aforesaid, showing further the amount out of such apportionments to be paid to each and every person entitled thereto; and where compensation is to be paid to the owner of land through which such water-course or ditch is to run, and the name of such owner is known, then name him as the owner of such land, which statement shall be subscribed and sworn by said drain commissioner, and shall be filed in the office of the township clerk on or before the tenth day of October next after such water-course is established or ditch located: *Provided*, If there is any portion of such water-course or ditch that is not opened by said tenth day of October, then such statement as to such portion may be filed on or before the tenth day of October next thereafter, in like manner.

Sec. 10. If the owners of land upon which such apportionment is made, or agreed to be made, do not pay the apportionment upon their lands respectively, on or before the first day of November next after the filing of such statement (to be paid to the township treasurer, in accordance with a statement of the amount to be furnished by the township clerk to such treasurer), all such apportionments which are not paid by said first day of November shall be certified by the township clerk to the supervisor on or before the fifth day of November hereafter, which supervisor shall immediately levy such apportionment upon the lands upon which the apportionment is made, *Provided*, That the supervisor shall not levy such apportionment until the same has been assessed and collected in the same manner as certain other taxes.

ments are made, in a column entitled "delinquent ditch tax," in the same manner that delinquent highway taxes are required by law to be levied; and the amount so levied shall be collected by the township treasurer the same as other taxes, and, when collected, shall be paid over to the person or persons entitled to receive the same, on the order of the township board, together with the money paid in to the township treasurer by the owners of land, as aforesaid. In the event of a failure, from error or oversight, to levy such taxes, or any part thereof, within the time and in the manner herein provided, on any tract or tracts of land that should be taxed by the apportionment of the commissioner, and the tax for such cause should fail for the year in which it ought to have been assessed, it shall be lawful to levy or re-levy and collect the same the next year, in the same manner and with the same force and effect as the same might or could have been the first year.

*When tax  
not collected  
lands re-  
turned to  
county  
treasurer.* Sec. 11. If the taxes so levied are not collected by the town treasurer, the land upon which they are levied shall be returned to the county treasurer, in a separate return, at the same time and manner as lands are returned for other taxes; and such taxes may be paid to the county treasurer, with ten per cent interest and cost of advertising, at any time before sales, as hereinafter provided.

*To be sold  
and re-  
deemed  
same as in  
other cases.* Sec. 12. If such taxes, interest, and costs are not so paid to the county treasurer, he shall advertise and sell the same as delinquent ditch lands, at the same time, place, and manner as lands are advertised and sold for other taxes, and he shall give certificates to purchasers at such sales, as in other cases, and the owners of the lands, or persons interested, may redeem such lands, as in other cases, at county treasurer's office, and within same time, with ten per cent interest and cost of advertising, and twenty-five cents for the certificate, to the treasurer: and if all the lands so returned shall not be sold at public sale, those remaining may be purchased at private sale at any time, and certificates of sale given to purchasers in like manner as

*Disposition  
of same  
when col-  
lected.*

*Same may be  
levied and  
collected  
second year  
after.*

public sales, and may be in like manner redeemed, with interest and costs, within one year from sale. Such land so returned as delinquent shall in all cases be subject to the State, county, town, school, and highway tax, which shall be a first lien on the land. The order so drawn by the township board upon the certificate of the drain commissioners for the amount of contracts performed, services rendered, and fees of officers, shall be receivable in payment of taxes or redemption of sales at the county treasurer's office.

Certain other taxes a first lien.

Township orders receivable for said tax, etc.

Sec. 13. The lands so sold at public or private sale, if not redeemed within one year after such sale, shall be conveyed to the purchaser or his assigns, by deed from the county treasurer, on surrender of the certificate of sale, in the same manner, as near as may be, as the Auditor General is authorized to convey other lands on sales for non-payment of taxes, and the deeds so given by the county treasurer shall have the same force and effect as if given by the Auditor General, except that the same shall be subject to all State, county, town, school, and highway taxes, and subordinate to State deeds for non-payment of taxes, and the same may be recorded and admitted in evidence in all courts, with the same force and effect as tax deeds in other cases, except as aforesaid.

When and how lands sold to be conveyed.

Sec. 14. In cases where any proposed ditch, drain, or water-course shall be in more than one township, and a continuous ditch, drain, or water-course from one town into or through more than one township, application shall be made to the drain commissioner of each of such townships for such continuous ditch, drain, or water-course, in which case the drain commissioners of such townships, or a majority thereof, shall locate, establish, and construct such ditch, drain, or water-course, if they shall see fit, under this act, in the same manner and upon the proceedings, as near as may be, as single commissioners may or can in their respective towns, and the survey or other papers required to be filed shall be filed in the township clerk's office of each of the towns in which such ditch, drain or water-

Proceedings when ditch is to be in more than one township.

course, or any part thereof, shall lie; but the duties of township clerks, treasurers, and supervisors, in sections ten and eleven of this act, shall only apply to apportionments on lands in their respective townships, in any case the ditch, drain, or water-course lies in one or more townships, except as to payments to persons entitled thereto, as hereinafter provided.

Powers of commissioners.

Proviso.

Order direct-  
ing clearing  
out of  
ditches, etc.,  
to be posted.

Work let to  
lowest  
bidder.

Assessments  
and collec-  
tions for ex-  
penses of  
same.

Sec. 15. The power herein conferred upon such drain commissioners shall extend to and include deepening, widening, extending, and cleaning out any water-courses or ditches that have been heretofore, or shall be hereafter, opened in their respective towns, and they may also establish and locate at the same time as many water-courses and ditches, or partly water-courses and partly ditches, as application shall be made for, and shall seem to them best: *Provided*, That in clearing out any established drain or water-course, the commissioner, or person acting as such, may make such orders in relation thereto as the public good requires, without petition, previous notice, or hearing, but the order directing the clearing out, the time when, and manner the work shall be done, and the persons and property to be affected thereby, shall be posted in three public places in the line or vicinity of such drain or water-course, for three successive weeks before the work is ordered to be commenced; and if such work is not wholly completed within the time so ordered, the unfinished work shall be let to the lowest bidder by said commissioner, or person acting as such, upon the like notice and with the same effect as contracts for constructing drains in the first instance, and he shall apportion the amount of such contracts, and the fees and costs of the order and its execution, or the fees and costs alone, upon the person or property interested in such work, or ordered to open the drain or water-course; and the same shall be reported, assessed, and collected in the same manner as is by this act required for assessing and collecting taxes and assessment in proceeding to lay, establish, and construct drains and water-courses in the first instance.

Sec. 16. Any person or persons aggrieved by the action of said drain commissioner, or two or more commissioners acting in conjunction as contemplated by said section fourteen, in locating and establishing any ditch, drain, or water-course, or in refusing to locate and establish any ditch, drain, or water-course, or to act when applied to for that purpose, may appeal to a justice of the peace of any township where such ditch or drain, or any part thereof, is situated, within ten days after the act complained of was done or suffered, by filing with such justice his or their notice of such appeal, with the reasons thereof, and within the same time filing with said justice an agreement in writing, with security approved by said justice, covenanting to pay all costs attending such appeal in case the action appealed from shall not be changed or reversed on such appeal. Either party may demand and have a jury for the trial of such appeal, in the same manner as juries are empaneled in justice courts.

Sec. 17. The said justice of the peace shall, on receiving such notice of and reasons for appeal, and the said agreement and security duly approved, immediately appoint a time and place for hearing such appeal, in the town or towns where the act complained of occurred, and give notice thereof, in writing, to the party appealing and the drain commissioner or commissioners appealed from; and on the day appointed, or on some day to which the hearing shall be adjourned, he shall proceed to hear and determine the appeal, and may reverse, in whole or in part, the doings of said drain commissioner or commissioners, & may make such order in the premises as may be right and lawful under this act, and send a copy thereof to such township drain commissioner or commissioners and to the party appealing; and said township drain commissioner or commissioners shall execute the same, or said justice of the peace may proceed to execute the same in the same manner and with like effect as the town commissioner or commissioners might or could do under this act, if no appeal was made; and in all

cases wherein the town commissioners are interested, the justice shall act. •

Compensa-  
tion for ser-  
vices under  
this act.

Sec. 18. The said drain commissioners or justice of the peace shall each receive for services rendered under this act such fees per day, for each day actually employed, as supervisors of towns are entitled to. Township clerks shall receive for services under this act such fees as they are entitled to by law when engaged about township business. Publishers shall receive the legal fee for publishing legal notices. Judges of probate shall receive fifty cents for appointment of commissioners and certificate thereof. Commissioners of appraisal shall receive one dollar and fifty cents for each day, and seventy-five cents for each half day. Sheriffs and constables the same as in other cases of serving *venire*; juries the same as in cases before justices of the peace; laborers such fees as shall seem to such comissioner just, not to exceed one dollar and fifty cents per day; and although all such fees are to be apportioned to the lands drained and benefited by such water-course or ditch, as provided in section nine, yet the township board of the township in which such water-course is established or ditch located shall draw orders in favor of each of such officers and laborers for the amount to which they are entitled, as shown by the statement of the drain commissioner filed with the township clerk. They shall likewise draw orders in favor of each person entitled to compensation on account of such water-course or ditch running across his land; also, in favor of each person who has performed labor under contract from said drain commissioner, in opening a portion of such water-course or ditch, as shown by said statement, which order shall be drawn on the township treasurer of the township in which such water-course or ditch lies and made payable by the first day of February next after the date thereof; and if such water-course or ditch lies in more than one township, then the township board of the township in which the most of such water-course or ditch lies shall draw all the orders on the township treasurer of that township.

Township  
board to  
draw orders  
on treasurer  
for services  
and damages

Relative to  
orders and  
collection of  
taxes when  
ditch is in  
more than  
one town-  
ship.

and the township treasurers of the other townships shall pay over all the money which they collect, or is paid to them as ditch tax, or on account of such water-course or ditch, by the first day of February aforesaid, or as soon thereafter as collected or paid to them, to the township treasurer on which such orders are drawn, and the township treasurer or the township treasurers on which such orders are drawn shall, in all cases, pay such orders as fast as funds come into their hands from such ditch tax, or on account of such water-course or ditch, and not otherwise; and when such orders are presented to such treasurers after such first day of February, and they have not funds in their hands to pay them, they shall endorse the date of such presentation, after which such orders shall draw interest till paid. A separate fund shall be kept for the moneys collected for each ditch, which fund shall be applied exclusively for the construction of such ditch.

Sec. 19. Such drain commissioners and such other officers and persons refusing, failing, or neglecting to perform any of the duties imposed by this act, shall forfeit and pay a fine of ten dollars for every such neglect, failure, or refusal, to be recovered before any justice of the peace in his township, for the benefit of drainage in said township, at the suit of any person feeling aggrieved thereby; said fine money to be paid over by the justice of the peace to the township treasurer, who shall take a receipt therefor and file it with the township clerk, who shall credit the money to such fund. No drain commissioner, justice of the peace, commissioner of appraisal, or juror, shall serve in any case wherein he is personally interested.

Sec. 20. Whoever shall willfully obstruct any such water-course or ditch, or injure the same, shall be liable to every person injured for the full amount of injury occasioned by damage to or obstruction of said ditch or water-course, and shall forfeit for every such offense a sum not exceeding twenty-five dollars, to be recovered before a justice of the peace of such township, for the benefit of drainage in such township.

*Disposition  
of fine  
money.*

(to be paid over as provided in the foregoing section), at suit of any person making complaint, and shall also remove such obstruction, and in default thereof for three days, shall be liable to an action therefor, before any justice of the peace of the township, at the suit of the drain commissioner, to be expended by said commissioner in removing such obstructions, and in paying fees of commissioner in superintending the same.

*Laws  
repealed.*

Sec. 21. All laws contravening the provisions of this act are hereby repealed, except as to acts done and rights accrued under act number thirty-nine, of session laws of eighteen hundred and sixty-nine, and former township ditch laws, which rights may be perfected and closed under the provisions of this act, as if the same were not repealed.

*Exemption.* Sec. 22. The provisions of this act shall not apply to the county of Tuscola.

Sec. 23. The subjoined forms, or other similar, may be used in executing this act.

Sec. 24. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 99. ]

AN ACT to provide for the incorporation of St. Jean Baptiste Societies.

*Articles of  
association.*

SECTION 1. *The People of the State of Michigan enact,* That whenever any ten or more persons, residents of any county in this State, and being members of any St. Jean Baptiste Society already formed, or any ten or more persons, residents of any county in this State, desirous of forming such a society, desire to become incorporated, may make and execute articles of association under their hands and seals, which said articles of

association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth :

*First.* The names of the persons associating in the first instance, and their places of residence ;

*Second.* The corporate name of the association, and the place where its meetings shall be held ;

*Third.* The object and purpose of the association, which may be charitable, benevolent, or literary, or any two, or all of these combined ; and also the period for which it is incorporated, not exceeding thirty years.

Sec. 2. The French language may be adopted as the official Records, etc. language of such societies, and all records and proceedings may <sup>may be kept</sup> in French. be kept, and all meetings held, in that language, and translations of any of the documents belonging to such societies, duly authenticated as correct translations of such documents, or of the original documents translated from the French into the English language, shall be received whenever necessary in all courts of law within this State.

Sec. 3. A copy of said articles of association, together with a <sup>Articles filed and recorded</sup> copy of the constitution and by-laws of the association of which the persons executing said articles are members (duly translated into the English language, and properly authenticated as a correct translation of the same, from the French into the English language, and duly sworn to and acknowledged as such by the person translating the same, before some officer of this State having authority to take acknowledgments of deeds, whenever said articles of association and the by-laws have been or shall be originally written in the French language), shall be filed with the county clerk of the county in which such association shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose ; and thereupon the persons who have signed said articles <sup>Corporate</sup> <sub>rights.</sub> of association, and their successors, shall be a body corporate and politic, and known in law and in fact by the name

expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have a common seal, and may alter and change the same at pleasure, and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence of the due existence and incorporation of such association in all courts within this State.

*Copy of record evidence to court.* Directors. Sec. 4. The management and direction of the interests, affairs, and property of such association shall be vested in a board of directors of not less than five, nor more than twenty, of whom the officers of such association shall be *ex-officio* members of said board.

*Officers.* Sec. 5. Every such association shall have full power and authority, by its by-laws or otherwise, from time to time, to designate and elect from among its members such officers of such association as it may see fit, under such name and style as may be in accordance with its constitution.

*State society* Sec. 6. Any number of members, not less than ten, belonging to one or more such associations as is provided for in the foregoing sections, after becoming incorporated themselves, may proceed in like manner to form a State society of St. Jean Baptiste, in the manner, as near as may be, hereinbefore provided for the incorporation of associations by residents of counties, but shall in addition thereto file a copy of its articles of association, its constitution and by-laws, with the Secretary of State, to be kept and recorded by him in a book kept for that purpose in his office; and such State association shall have such powers as may be granted to it, and shall perform such

as prescribed for it by the county associations organization: *And provided,* That its object shall be in accordance with the provisions of this county associations of St. Jean Baptiste: *And* That the county associations taking part in

*Articles filed and recorded*

its organization may endow it with all requisite powers of superior jurisdiction, and the power of organizing new societies of St. Jean Baptiste, as from time to time it may deem necessary or proper.

Sec. 7. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 100. ]

AN ACT to provide for the protection of laborers and persons furnishing material for the construction and repairing of railroads in this State.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for all railroad companies, when contracts are made by them with contractor or contractors, for work, labor, or materials to be used in repairing or constructing railroads, to provide in the contract or contracts with said contractor or contractors, for the payment of laborers and persons furnishing material to said contractors or sub-contractors to be used in said contract, and if no such provision is made in said contract or contracts, it shall be lawful for said railroad companies to withhold payment until such laborers and persons furnishing material are paid; and it shall be the duty of such railroad companies, by agent or otherwise, at each pay-day on said road or roads, to see that all laborers and persons furnishing material employed by contractor or contractors, or sub-contractors, are paid before payment is made to said contractors, not to exceed, however, the amount due to said contractors: *Provided*, The provisions of this act shall not apply to any iron or other materials and property used in ironing and equipping said railroad: *Provided further*, That a bill of items of the material and labor furnished to said contractor or sub-contractors shall be furnished to the company through their

Laborers and  
persons fur-  
nishing  
materials  
shall have  
preference in  
payment.

Further  
proviso.

agent, or otherwise, together with the amount claimed, prior to the usual pay-day of said company, when such claim shall be due, or in case the contractor or contractors are not then paid, then prior to the payment then due.

*Laborers,  
etc., may col-  
lect pay of  
companies.*

Sec. 2. On compliance with the provisions of section one of this act, the persons performing the labor, or furnishing the materials, mentioned in said section one, shall have the right to collect pay for the same from said railroad companies by action, as in case of other claims against said railroad companies, if the said claim or claims are undisputed and acknowledged to be due from said contractor or sub-contractors.

*Proceedings  
when parties  
do not agree  
as to amount  
due.*

Sec. 3. If the amount claimed to be due from the contractor or sub-contractors is disputed by them, then said company shall withhold the payment from both till the same has been adjudicated, as in other actions, before some court having jurisdiction of the amount in controversy, and judgment duly rendered, when the company shall pay over the amount of the judgment to the party recovering the same against said contractor or sub-contractors, provided the amount of said judgment is due to said contractor or contractors from said company; if not, then so much as is due on said contract.

Sec. 4. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 101. ]

### AN ACT to regulate the size of peach baskets.

*Number of  
cubic inches.*

SECTION 1. *The People of the State of Michigan enact,* That the quantity known as a box or basket of peaches shall contain seven hundred and sixteen and four-fifths cubic inches, or one-third of a bushel strict measure.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

## [ No. 102.]

AN ACT to amend section eighty-nine, of chapter one hundred and two, of the revised statutes of eighteen hundred and forty-six, being section four thousand three hundred and twenty-six, chapter one hundred and twenty-seven, of the second volume of the compiled laws, entitled "Evidence."

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section eighty-nine, of chapter one hundred and two, of the revised statutes of eighteen hundred and forty-six, being section four thousand three hundred and twenty-six, chapter one hundred and twenty-seven, of the compiled laws, entitled "Evidence," be and the same is hereby so amended as to read as follows:

(4326.) Sec. 89. But to entitle a party to such recovery, he <sup>Bond.</sup> shall execute a bond to the adverse party, in a penalty at least double the amount of such note or bill, with two <sup>two</sup> sureties to be approved by the court in which the trial shall be had, conditioned to indemnify the adverse party, his heirs, and personal representatives, against all claims by any other person on account of such note or bill, and against all costs and expenses by reason of such claim: *Provided,* That such party <sup>Proviso.</sup> shall not recover costs in such case, unless (before the commencement of such suit) he shall have executed and tendered to such adverse party, or, in case of several defendants, to one of such defendants, a bond conditioned as aforesaid, with sureties as aforesaid, approved by the judge or clerk of such court, or the circuit court commissioner of the county where such suit is brought, or, in actions brought before justices of the peace, by such justice: *And provided further,* That upon filing such last mentioned bond with the clerk of said court, or with such justice, at the time of the commencement of such suit, no other or further bond shall be necessary to entitle such party to such recovery upon such note or bill, with costs as aforesaid. <sup>Approval of bond.</sup> <sup>Further proviso.</sup>

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 103. ]

**AN ACT** to amend act number two hundred and eight, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the establishment of school district libraries," approved February fifteenth, eighteen hundred and fifty-nine, by adding a new section thereto, to stand as section six, and to change the number of section six and section seven to section seven and section eight.

Section added.

Numbers of sections changed.

Re-establishment of township libraries.

Notice.

Proviso.

**SECTION 1.** *The People of the State of Michigan enact,* That act number two hundred and eight, entitled "An act to provide for school district libraries," approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended by adding a new section thereto, to stand as section six, and that section number six and section number seven of said act be changed to section number seven and section number eight.

**Sec. 6.** In any township which shall have divided its township library among the several school districts, as provided for in section one of this act, the board of school inspectors may, by resolution, order the question of re-establishing the township library to be submitted to the legal voters voting in the respective townships of the State. When the said board shall so order, the township clerk shall give at least ten days' notice of such submission, by posting up the same in three of the most public places in said township ten days before any regular township meeting. At such township meeting the electors of said township shall vote upon the said proposition in the same manner as provided for in section one of this act; and if a majority shall vote in favor of township library, the same shall be re-established, and the several school district officers shall return all library books in their possession to the office of the township clerk in their respective townships: *Provided*, That this act shall not apply to districts voting at their annual meeting to retain their respective libraries.

**Sec. 2.** This act shall take immediate effect.

Approved April 13, 1871.

## [ No. 104. ]

AN ACT to amend section fourteen, in chapter seventy-eight, of the revised statutes of eighteen hundred and forty-six, being section three thousand one hundred and three, in chapter one hundred and two, of the compiled laws, relative to the sale of lands of minors and other persons under guardianship, and investing the proceeds for their use.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section  
amended.</sup> section fourteen, of chapter seventy-eight, of the revised statutes of eighteen hundred and forty-six, being section fourteen, in chapter one hundred and two, of the compiled laws, relative to the sale of lands of minors and other persons under guardianship, and investing the proceeds for their use, be amended so as to read as follows:

(3103.) Sec. 14. Such guardian shall also, before making <sup>Oath of office</sup> such sale, take and subscribe an oath, in substance like that required in the preceding chapter to be taken by an executor, administrator, or guardian when licensed to sell real estate pursuant to the provisions of that chapter.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 105. ]

AN ACT to amend act number one hundred and thirty-eight, of the session of the year of our Lord eighteen hundred and sixty-seven, being an act entitled "An act to amend section one, of chapter seventy, of the revised statutes of eighteen hundred and forty-six, being section two thousand eight hundred and seventy-seven, of chapter ninety-four, of the compiled laws, entitled 'Of the administration and distribution of estates of deceased persons.'"

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section  
amended.</sup> section one, of act number one hundred and thirty-eight, of the session laws of the year of our Lord eighteen hundred

and sixty-seven, approved March twenty-seventh, in the year of our Lord eighteen hundred and sixty-seven, being an act entitled "An act to amend section one, of chapter seventy, of the revised statutes of eighteen hundred and forty-six, being section two thousand eight hundred and seventy-seven, of chapter ninety-four, of the compiled laws, entitled 'Of the administration and distribution of estates of deceased persons,'" be and the same is hereby amended so as to read as follows:

Application  
and distribu-  
tion of  
estates.

**SECTION 1.** When any person shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

Widows.

*First.* The widow, if any, shall be allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, not exceeding in value two hundred and fifty dollars, and other personal property to be selected by her, not exceeding in value two hundred dollars, and the allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate;

Family  
during set-  
tlement of  
estate.

*Second.* The widow and children constituting the family of the deceased shall have such reasonable allowance out of the personal estate as the probate court shall judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which, in case of an insolvent estate, shall not be longer than one year after granting administration, nor for any time after the dower and personal estate shall be assigned to the widow;

Children  
under ten  
years of age  
without  
mother.

*Third.* When a person shall die leaving children under ten years of age, having no mother, or when the mother shall die before the children shall arrive at the age of ten years, an allowance shall be made for the necessary maintenance of such children until they shall arrive at the age of ten years, out of such part of the personal estate and the income of the real

estate as would have been assigned to the mother if she had been living;

*Fourth.* If on the return of the inventory of any intestate estate it shall appear that the value of the whole estate does not exceed the sum of one hundred and fifty dollars over and above the allowance above provided, the probate court may, by a decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under the age of ten years, if there be no widow, the whole of such estate, after the payment of the funeral charges and expenses of administration;

*Fifth.* If the personal estate shall amount to more than one hundred and fifty dollars, and more than the allowance mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and of settling of his estate;

*Sixth.* The residue, if any, of the personal estate shall be distributed as follows: One-third thereof to the widow of the deceased, and the remaining two-thirds to his children, or the issue of any deceased child or children, if any there be, except that if there be but one child, or the issue of such child, living, then to the widow one-half of such residue, and such child, or the issue thereof, the other half; in case the deceased shall leave a widow and no children, or the issue of a deceased child him surviving, then such residue, if it shall not exceed the sum of one thousand dollars, shall go to such widow, and if it exceed the sum of one thousand dollars, such excess shall be distributed, one-half to such widow, and the other half to the father of the deceased, if living; if not, such other half shall be distributed equally to the mother and the brothers and sisters, and the issue of any deceased brother or sister, in equal proportions, share and share alike; and if there shall be either father, nor mother, nor brother, nor sister, nor issue of such brother or sister surviving, then such residue shall go to the widow; in any other case the residue, if any, of the

personal estate shall be distributed in the same proportions, and to the same persons, and for the same purposes as prescribed for the descent and disposition of the real estate;

*Femme covert.*

*Seventh.* In case any *femme covert* shall die possessed of any personal estate, her sole property, or any right or interest therein, not lawfully disposed of by her last will and testament, the same shall, after the debts of the deceased, funeral charges, and expenses of administration are paid, be distributed as follows:

*Distribution of estate of.*

One-third to the husband, and the remaining two-thirds to her children, or the issue of any deceased child or children, if any there be, except that if there be but one child, or the issue of a deceased child her surviving, then such residue shall be divided between such husband and such child, or the issue of such deceased child as aforesaid, in equal proportions, share and share alike; if there shall be no child or issue of any deceased child her surviving, one-half of said residue shall go to the husband of the deceased and the other half to her father, if he be living; if not, then such other half to her mother and brothers and sisters, and issue of any deceased brother or sister, in equal proportions, share and share alike; if there shall be no father, nor mother, nor sister, nor brother, nor issue of any deceased brother or sister her surviving, then the whole of such residue shall go to the husband.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 106. ]

### AN ACT to remit certain specific taxes therein named.

*Railroad companies.*

SECTION 1. *The People of the State of Michigan enact,* That the specific taxes imposed upon railroad companies by section forty-five of the general railroad law, and the amendments thereof, as amended by act number one hundred and forty-two,

of the session laws of eighteen hundred and sixty-nine, be and they are hereby remitted to the several companies liable to pay such specific taxes, so far as such taxes are in excess of the amount that the said several railroad companies would have been required to pay had not the said section forty-five been amended by the said act number one hundred and forty-two, of the session laws of eighteen hundred and sixty-nine: *Provided*, That no railroad company shall be ~~Proviso.~~ entitled to the benefit of this act that does not, on or before the first day of July, eighteen hundred and seventy-one, pay into the State treasury the amount of specific taxes which said company would have been liable to pay had not the law of eighteen hundred and sixty-nine been passed.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 107. ]

**AN ACT** to provide for the sale of perishable property.

SECTION 1. *The People of the State of Michigan enact*, That whenever the sheriff of any county shall, by virtue of any attachment or execution issued by a court of record, levy upon any peaches, blackberries, raspberries, or strawberries, he shall proceed to sell the same at such time as he may deem most beneficial for the interest of the defendant: *Provided*, Written or printed notices of such sale shall be posted in three public places in the township where said property is sold, at least one day prior to the time of such sale.

Sec. 2. That whenever any constable shall, by virtue of any attachment or execution issued by any justice of the peace, levy upon any peaches, blackberries, raspberries, or strawberries, he shall forthwith make his return to said justice, who, by a

Proviso.

written order, shall authorize the constable to sell said property at such time as he shall deem most beneficial for the interests of the defendant: *Provided*, Written or printed notices of such sale shall be posted in three public places in the township where said property is sold at least one day prior to the time of said sale.

Acts  
repealed.

Sec. 3. All acts and parts of acts conflicting with the above provisions are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 108. ]

AN ACT to establish an insurance bureau.

Bureau in  
State depart-  
ment.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby established in the State department a separate and distinct bureau, which shall be especially charged with the execution of the laws heretofore passed, or that may be hereafter passed, in relation to fire, fire and marine, life, and other methods and practices of insurance.

Commis-  
sioner of  
Insurance.

Sec. 2. The chief officer of said department shall be denominated the Commissioner of Insurance. He shall be a citizen of this State, and shall reside, during the term of his office, at the seat of government, and personally superintend the duties of his office; and shall not be directly or indirectly connected with the management or affairs of any insurance company. He shall be appointed by the Governor, by and with the consent of the Senate, and shall hold his office for the term of two years; he shall receive an annual salary of eighteen hundred dollars, to be paid quarterly, as is hereinafter provided. He may employ a clerk to discharge such duties as he shall assign him whose compensation shall not exceed one thousand dollars per

Appoint-  
ment, term  
of office,  
salary, clerk,  
etc.

annum, which shall be paid to him monthly, on the certificate of the Commissioner of Insurance, and upon the warrant of the Auditor General. Whenever a vacancy shall occur in said ~~vacancy~~ office of Commissioner, by reason of death, removal, or otherwise, the Governor shall fill such vacancy by appointment, by and with the advice and consent of the Senate, if in session. Within fifteen days from the time of notice of his appointment <sup>Oath of</sup> ~~oath of~~ <sup>Office.</sup> the Commissioner shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the Secretary of State; and the said Commissioner of Insurance shall give to the people of the State of Michigan a bond in the penalty of ten thousand dollars, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of the duties of his office.

Sec. 3. The Commissioner of Insurance shall possess all the powers, perform all the duties, and be subjected to all the obligations and penalties now conferred by law upon the Secretary of State, or to which the Secretary of State is subject in relation to insurance companies, and the formation thereof, under the laws relating thereto, so that every power and duty thereby conferred on the Secretary of State shall, from and after the appointment of such Commissioner, be transferred to and conferred upon the said Commissioner. The Commissioner shall be required to annually report the names and compensation of the clerk employed by him, and the whole amount of expenses of the department during the year; such report shall be made on or before the last day of June in each year, and fifteen hundred copies shall be printed for public information and use.

Sec. 4. The said Commissioner, with the approval of the <sup>Seal.</sup> Governor, shall devise a seal, with suitable inscriptions, for his office, a description of which, with certificate of the approval of the Governor, shall be filed in the office of the Secretary of State, with an impression thereof, which seal shall thereupon be and become the seal of office of the Commissioner of Insurance, and the same may be renewed whenever necessary. Every

Papers under seal  
entitled to record, etc.

certificate, assignment, or conveyance executed by the said Commissioner in pursuance of any authority conferred on him by law, and sealed with his said seal of office, shall be received as evidence, and may be recorded in the proper recording offices in the same manner, and with like effect, as a deed regularly acknowledged or approved before an officer authorized by law to take the proof or acknowledgment of deeds, or filed in the office of any county clerk or clerk of a court of record, and all copies of papers in the office of the said Commissioner, certified by him, and authenticated by the said seal, shall in all cases be evidence in all courts of this State equally and in like manner as the original. An impression of said seal directly on paper shall be as valid as if made on a wafer or wax.

Secretary of State shall transfer books, etc.

Sec. 5. All books, papers, and documents, and all other papers whatever in the office of the Secretary of State, relating to the business of insurance, shall be transferred to the custody of the Commissioner of the Insurance Bureau, and be and remain in his charge and custody.

Office and expenses thereof.

Sec. 6. There shall be assigned to the said Commissioner by the Secretary of State at Lansing, suitable room in his department for conducting the business of said bureau, and the said Commissioner shall, from time to time, furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business, the expenses of which shall be paid, on the certificate of the Commissioner and the warrant of the Auditor General, by the State Treasurer, from the fund hereinafter mentioned.

Taxes on premiums.

Sec. 7. The taxes on premiums from insurance companies shall continue to be paid to the State Treasurer on the first day of January, or within sixty days thereafter, in each year and shall be upon the premiums which, during the year or part of the year ending on the preceding thirty-first day of December, shall have been received by any insurance company, or by any person acting as agent therefor, both upon policies

issued by agents in this State, or policies issued at the office of the companies upon application of sub-agents or others, or for any individuals or association of individuals, not incorporated or authorized by the laws of this State, to effect insurance against fire, inland, marine, life, casualty, or other losses and risks, or which shall have been received by any person for such company or agent, or shall have been agreed to be paid for any insurance effected, or agreed to be effected or procured by such company or agent, or against fire, inland, marine, life, casualty, or other risks, although such companies, associations, or individuals may be incorporated or authorized for that purpose by the laws of any other State of the United States, or of any foreign government. The State Treasurer, on receiving such tax from any company, shall issue therefor duplicate receipts, one of which he shall deliver to the company, and the other shall be filed with said Commissioner.

Sec. 8. It shall be proper and lawful for the Commissioner of Insurance to visit any insurance company in other States, for the examination of its affairs, the expenses in all cases to be paid by said insurance companies.

Sec. 9. The State Treasurer shall keep all funds received from said taxes as a separate and distinct fund for the maintenance of said bureau, and all warrants for the salary of the commissioner and his clerk, and for all other expenses of such bureau, shall be drawn by the Auditor General upon and paid out of such fund; and in case of any balance to the credit of said fund, in excess of the necessary expenses of such bureau, it shall be transferred, at the close of the fiscal year, to the general fund of the State.

Sec. 10. The Governor shall have the power, and it is hereby made his duty, to remove the said Commissioner for neglect of duty, breach of trust, incompetence, or malfeasance in office, on reasonable cause shown; and in case of such removal, the Governor shall file in the office of the Secretary of State,

Duplicate receipts.

Examina-  
tions.

Relative to  
funds re-  
ceived from  
taxes, and  
expenses of  
bureau.

Removal of  
Commis-  
sioner.

and report to the Legislature at its next session, the reasons for such removal.

Sec. 11. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 109. ]

AN ACT relative to proof of corporations and joint stock companies in certain cases.

*Evidence that a company is doing business under a certain name prima facie proof of existence, etc.*

SECTION 1. *The People of the State of Michigan enact,* That in any suit or proceeding, civil or criminal, hereafter instituted in any of the courts of this State, wherein it shall become material or necessary to prove the incorporation of any company or corporation, or the existence of any joint stock company or association, whether the same be a foreign or domestic corporation, company, or association, evidence that such corporation, company, or association is doing business under a certain name shall be *prima facie* proof of its due incorporation or existence pursuant to law, and of its name.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 110. ]

AN ACT to amend an act entitled "An act to provide for the incorporation of slack-water navigation companies, for the improvement of rivers in the counties of St. Joseph, Cass, Berrien, and Cheboygan, and define their powers and duties," approved March twenty-fifth, eighteen hundred and sixty-seven.

*Section amended.*

SECTION 1. *The People of the State of Michigan enact,* That section number seventeen of an act entitled "An act to provide for the incorporation of slack-water navigation companies for the improvement of rivers in the counties of St. Joseph,

Cass, Berrien, and Cheboygan, and defining their powers and duties," approved March twenty-fifth, eighteen hundred and sixty-seven, be amended so as to read as follows:

Sec. 17. Said river, when so improved, and the lock constructed by such company, shall be deemed and taken to be public highways, and free to all persons whatever to pass and re-pass with their boats and other water-craft, and with their produce, goods and chattels, wares and merchandise, such persons conforming to such rules and regulations as may be established by the company for the navigation of such river, and paying such tolls as required by such company, except as hereinafter provided. So far as this act relates to Cheboygan county, such tolls shall not in any case exceed the rates specified in the following schedule, to wit:

*First.* For boats less than thirty feet in length, exclusive of tolls charged on their cargoes, each, fifty cents; Rates of toll  
in Cheboy-  
gan county.

*Second.* For two or more boats passed at one lockage, exclusive of tolls charged in [on] their cargoes, each, fifty cents;

*Third.* For steamboats, tugs, lighters, and other boats or vessels over thirty feet in length, locked separately, exclusive of tolls charged in [on] their cargoes, each, one dollar;

*Fourth.* For two or more cribs of hewn or round timber, passed at one lockage, each, fifty cents;

*Fifth.* For cribs of hewn or round timber, locked separately, each, one dollar;

*Sixth.* For stave-bolts, shingle-bolts, and cedar posts, however carried, per cord, twenty cents;

*Seventh.* For cordwood, however carried, per cord, ten cents; For lumber and sawed timber, per thousand feet, board measure, twenty cents;

For shingles, however carried, per thousand, four cents;

For stone, per cord, fifty cents;

For merchandise and all articles not specified in either the foregoing specifications, per ton weight, twenty-five cents:

**Provided.**, That whenever, as shall appear by the sworn statement of the company, hereinafter provided for, the total amount of tolls collected for the use of the improvement on the Cheboygan river, erected by the Cheboygan slack-water navigation company, after providing for a sinking fund of five hundred dollars per annum, for the rebuilding of such improvement, and the payment of all repairs and expenses of operating said improvement and the proper business of said company, shall exceed the sum of one thousand five hundred dollars per annum since the completion of said improvement, January first, eighteen hundred and sixty-nine, such excess shall be refunded to the persons having paid such tolls, pro rata, in proportion to the amount so paid by them, such excess being payable on demand at the office of said company.

**Sinking fund  
for re-build-  
ing, etc.**

**Excess over  
expenses  
and sinking  
fund.**

**Sections  
added.**

Sec. 2. That the following sections shall be added to said act, and shall be numbered as sections twenty-two and twenty-three of said act:

**Rates pre-  
vious to  
completion  
of chute.**

Sec. 22. Until the erection and completion, by the said Cheboygan slack-water navigation company, its successors or assigns, of a chute or slide capable of passing in safety all rafts of logs, lumber, or timber, the rates of toll charged on all rafts of logs, lumber, or timber shall not exceed, for lumber and sawed timber, ten cents per thousand feet, board measure, and for logs or hewn timbers, not exceeding seventy-five cents per crib, when locked separately, or thirty-seven and a half cents per crib when more than one crib shall be passed at one lockage.

**Annual  
statement.**

Sec. 23. It shall be the duty of said Cheboygan slack-water navigation company, before the first day of February in each year, through its proper officers, to place on file, in the office of the clerk of Cheboygan county, a sworn statement in detail of the receipts for the use of said improvement, and the disbursements for expenses and repairs of the same.

Sec. 3. This act shall take immediate effect.

Approved April 13, 1871.

## [ No. 111. ]

AN ACT to amend an act entitled "An act imposing a specific tax upon corporations and chartered companies engaged in the business of mining, smelting, and refining ores in this State," approved March tenth, eighteen hundred and sixty-five, as amended by act number one hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact,* That ~~Act amended~~ an act entitled "An act imposing a specific tax upon corporations and chartered companies engaged in the business of mining, smelting, and refining ores in this State," approved March tenth, eighteen hundred and sixty-five, as amended by act number one hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven, be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That <sup>Copper 75c.  
per ton.</sup> all corporations and chartered companies engaged in the business of mining, smelting, or refining ores in this State, shall pay into the State treasury specific taxes as follows, that is to say: every such corporation and chartered company engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper obtained; every such corporation and chartered <sup>Iron 1c. per  
ton.</sup> company engaged in iron mining shall pay a tax of one cent for each ton of ore obtained; every such corporation and <sup>Coal ½c. per  
ton.</sup> chartered company engaged in coal mining shall pay a tax of one-half cent for each ton of coal obtained by such corporation or chartered company in such mining business. Said taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the <sup>Exception.</sup> provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for the term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations and chartered companies, except the specific taxes upon the capital stock of said corpo-

Proviso. rations and chartered companies: *Provided*, That nothing herein contained shall exempt from State taxation any property of such corporations or chartered companies not invested in mining or manufacturing business, as contemplated by this act.

Acts  
repealed.

Sec. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 2. [Sec. 3.] This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 112. ]

AN ACT to amend recited sections thirty-two and thirty-three, of act number thirty-two, of the laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to further preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors,' approved February fourteenth, eighteen hundred and fifty-nine," approved February fifth, eighteen hundred and sixty-four, and to add a new section thereto.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That recited sections thirty-two and thirty-three, of act number thirty-two, of the laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act further to preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors,' approved February fourteenth, eighteen hundred and fifty-nine," approved February fifth, eighteen hundred and sixty-four, be so amended as to read as follows:

Board of  
registration.

Sec. 32. The city board of registration, which shall be composed of the members of the board of registration assigned to the several wards and election districts of said city of Detroit, shall assemble at the common council chamber, in the said city of Detroit, on the Monday preceding any election to be held in

said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city board by the appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city. Said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote.

Correction of  
errors on  
register of  
electors.

Sec. 33. When any person shall apply to the inspectors of an election, excepting special elections for ward officers, in said city of Detroit, who has not been registered, to be registered by said inspectors, alleging that he was absent during the then last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statements required by section fourteen of the act to which this is amendatory, that he was sick or absent from the city of Detroit during said session.

Registration  
after last  
meeting of  
board.

Sec. 2. The aforesaid act number thirty-two, of the laws of eighteen hundred and sixty-four, shall be further amended by adding thereto the following new section, that [which] shall stand as section thirty-six :

Sec. 36. The boards of registration in each township, village, city, respectively, in the county of Wayne, outside of the city of Detroit, shall cause a session of the said respective boards to be held on the first Monday in October, in the year eighteen hundred and seventy-two, and on the first Monday in October in every fourth year thereafter, for the purpose of

Time for  
meeting of  
board in  
Wayne Co.,  
outside  
Detroit, and  
duration of  
session.

making a re-registration of the qualified electors of each town, village, city, ward, or election district therein. The said several respective boards shall be in session on the first Monday in October, aforesaid, and for not less than three nor more than six days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from two o'clock to five o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers, and perform the same duties, as are conferred upon or required of boards of registration under the act aforesaid and the acts amendatory thereto, and the same rules and requirements shall be observed in such re-registration, in all respects, as were required in the original registration under said act. When such registration shall be completed, the former registry of electors in such townships, cities, villages, or election districts shall henceforth be deemed invalid, and shall not be used at the ensuing elections, and no person shall vote at any public election in said towns, cities, or villages, after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new registry according to the provisions of said act. The provisions concerning a re-registration in the city of Detroit shall apply to the aforesaid cities as far as the same may be adapted thereto.

**Sec. 3.** This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 113. ]

**AN ACT** to amend an act entitled "An act to authorize dissection in certain cases for the advancement of science," approved March twenty-seventh, eighteen hundred and sixty-seven.

Section amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section one, of act number one hundred and eighty-six, of the

session laws of eighteen hundred and sixty-seven, entitled "An act to authorize dissection in certain cases for the advancement of science," be amended so as to read as follows:

**SECTION 1.** *The People of the State of Michigan enact,* That any member of either of the following boards of officers, to wit: the board of health of any city, village, or township in the State, the mayor or common council of any city, and the officer or board having direction or control of any almshouse, prison, house of correction, or jail in the State, shall, when so requested, surrender the dead bodies of such persons as may be required to be buried at the public expense, to any practicing physician in the State, to be by him used for the advancement of anatomical science, preference being always given to the faculty of the medical department of the University of Michigan for their use in the instruction of medical students: *Provided*, That in no case shall the faculty or Regents be entitled to require or receive from any medical student or students, for any such body furnished therein, any sum of money in excess of the actual cost of procuring the same.

Approved April 13, 1871.

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[ No. 114. ]

### AN ACT relative to laying out temporary highways.

**SECTION 1.** *The People of the State of Michigan enact,* That whenever any two or more owners of any pine or other timbered lands in any township shall wish to have a temporary highway laid out, they may, by writing, under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out such temporary highway in all respects as provided by the law in force at the time of said application in relation to laying out other highways, except as hereinafter provided.

Duty of commissioners or jury, and when road shall cease.

Exception.

Owner of land may designate route.

Expenses, etc., borne by applicants.

Proviso.

Notice of meeting of commissioners.

Sec. 2. When any such application shall be made, the commissioners or jury shall proceed to view the premises described in such application and any such tracts of pine or other timbered land in the vicinity as they may deem necessary, and ascertain and determine the necessity of laying out such highway for the purpose of removing the saw-logs, timber, or lumber from any pine or other timbered lands, and the length of time that such highway will be necessary, and they shall state such time in their proceedings, and at the expiration of said time such highway shall cease. But no such highway shall be laid out along and upon, and so as to occupy, any road made or caused to be made by the owner of said land, or by any person with the consent of said owner, and used by the person or persons who made the same, unless such owner shall consent thereto in writing. If the owner of the land across which such highway is desired shall appear before the commissioner or jury, at the time and place fixed by them to determine such necessity, and shall designate a route for such highway, which shall be in the opinion of such commissioner or jury reasonably direct and practicable for the purpose desired by such applicants, it shall be the duty of the commissioner or jury, in case they determine such highway to be necessary, to lay the same upon the route designated by such owner.

Sec. 3. All the expenses of laying out, and all damages awarded for the taking of lands for such highway, shall be paid by the persons applying for the same. They shall be public highways, but no tax shall be levied or collected for making or opening the same. The persons applying for the same may enter upon, open, and work any such road at any time after it is laid out: *Provided*, That no trees shall be cut in such highway, except such as shall be necessary to make a track or tracks.

Sec. 4. In case any tract of land across which such road shall be laid out shall be unoccupied, it shall not be necessary to serve the notice of the meeting of commissioners personally

or by leaving the same at the residence of the owner, but it shall be sufficient to post the same in three public places in the township ten days before the time of meeting.

Approved April 13, 1871.

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[ No. 115. ]

AN ACT to amend section one hundred and forty-nine of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section one hundred and forty-nine of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Sec. 149. In all cases of sale of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor General to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed; which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred, the same rule shall apply, and all deeds heretofore issued in the name of any deceased person who, if living at the time of the execution hereof, would have been entitled thereto, shall have like effect as above provided.

Assignment  
of certificate  
by executor,  
etc.

Deeds here-  
tofore issued  
to deceased  
persons.

Approved April 13, 1871.

## [ No. 116.]

**AN ACT** to amend section one, of act number thirty-one, of session laws of eighteen hundred and sixty-nine, entitled "An act to regulate the size of dry or packing barrels for fruit, roots, and vegetables," approved March eighth, eighteen hundred and sixty-nine.

**Act amended** SECTION 1. *The People of the State of Michigan enact*, That act number thirty-one, of the session laws of eighteen hundred and sixty-nine, entitled "An act to regulate the size of dry or packing barrels for fruit, roots, and vegetables," approved March eighth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

**Same as flour barrel.** SECTION 1. *The People of the State of Michigan enact*, That the quantity known as a barrel of fruit, roots, or vegetables shall be that quantity contained in a barrel made from staves twenty-seven inches in length, and each head sixteen and one-half inches in diameter, or ordinary flour-barrel size.

Approved April 13, 1871.

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## [ No. 117.]

**AN ACT** to amend sections twelve, thirteen, and fourteen, of act number eighty-two, of the session laws of eighteen hundred and sixty-nine, being an act to amend sections twelve, thirteen, fourteen, and fifteen, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being sections five thousand seven hundred and fifty-six, five thousand seven hundred and fifty-seven, five thousand seven hundred and fifty-eight, and five thousand seven hundred and fifty-nine, of chapter one hundred and eighty-one, of the compiled laws, entitled "Offenses against property," approved March thirtieth, eighteen hundred and sixty-nine.

**Sections amended.** SECTION 1. *The People of the State of Michigan enact* That sections twelve, thirteen, and fourteen, of act number eighty-two, of the session laws of eighteen hundred and sixty-

nine, entitled "Of offenses against property," be amended so as to read as follows:

Sec. 12. Every person who shall break and enter, in the night time, any office, shop, store, railroad depot, warehouse, mill, school-house, or factory, not adjoining to or occupied with a dwelling-house, or any ship, boat, or vessel within the body of any county, with intent to commit the crime of murder, rape, robbery, or any other felony or larceny, shall be punished by imprisonment in the State Prison not more than fifteen years.

Sec. 13. Every person who shall enter, in the night time, without breaking, or shall break and enter in the day time, any dwelling-house, or any out-house thereto adjoining occupied therewith, or any office, shop, store, railroad depot, warehouse, mill, or factory, or any ship, boat, or vessel within the body of any county, with the intent to commit the crime of murder, rape, robbery, or any other felony or larceny, the owner or any other person lawfully therein being put in fear, shall be punished by imprisonment in the State Prison not more than ten years.

Sec. 14. Every person who shall enter any dwelling-house in the night time, without breaking, or shall break or enter, in the day time, any dwelling-house, or any out-house thereto adjoining and occupied therewith, or any church, office, shop, store, railroad depot, warehouse, mill, school-house, or factory, or any ship, boat, or vessel lying within the body of any county, with intent to commit the crime of murder, rape, robbery, or any other felony or larceny, no person lawfully therein being put in fear, shall be punished by imprisonment in the State Prison not more than five years, or by a fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year.

Approved April 13, 1871.

[ No. 118. ]

**AN ACT** to amend sections three and four, of chapter twenty-seven, of the revised statutes of eighteen hundred and forty-six, "Of the erection, repairing, and preservation of bridges," being sections one thousand one hundred and one thousand one hundred and one of the compiled laws.

**Sections amended.**

**SECTION 1.** *The People of the State of Michigan enact,* That sections three and four, of chapter twenty-seven, of the revised statutes of eighteen hundred and forty-six, being sections one thousand one hundred and one thousand one hundred and one of the compiled laws, be and the same are hereby amended so as to read as follows:

**Notice on certain bridges relative to riding or driving.**

(1100.) Sec. 3. The commissioners of highways of any township, or common council of any city, or organized company, or the village council of any village, may put up and maintain, at the expense of their township, city, or company, or village, as the case may be, in conspicuous places at each end of any bridge in such township, city, or village, maintained at the public or company charge, and the length of whose chord is not less than twenty-five feet, a notice with the following words in large characters: "One dollar fine for riding or driving on this bridge faster than a walk;" and in case such bridge shall be over one hundred feet in length, or shall have a draw or turn-table therein for the purpose of opening the same, such notice may be: "Ten dollars fine for riding or driving on this bridge faster than a walk, or for driving on more than ten head of cattle at a time;" or such other sum, not to exceed twenty-five dollars, may be mentioned in such notice as the said commissioners of highways of any township, common council of any city, or organized company, or the village council of any village under whose control and management any such bridge may be, shall deem proper.

**Penalty for violation.**

(1101.) Sec. 4. Whoever shall ride or drive faster than a walk, or shall drive more than ten head of cattle at a time, upon any bridge upon which such notice shall have been placed and

shall there be, shall forfeit for every such offense the sum mentioned in such notice, and the same may be collected in the name of such highway commissioners, city, company, or village authorities, as the case may be, or by criminal prosecution.

Approved April 13, 1871.

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[ No. 119. ]

AN ACT to amend section six, of chapter twenty-six, of the revised statutes of eighteen hundred and forty-six, being section ten hundred and ninety-one, of chapter twenty-three, of the compiled laws, entitled "Of the obstruction of highways, encroachments thereon, and penalties."

SECTION 1. *The People of the State of Michigan enact, That* section  
amended. section six, of chapter twenty-six, of the revised statutes of eighteen hundred and forty-six, the same being section ten hundred and ninety-one, of chapter twenty-three, of the compiled laws, entitled "Of the obstruction of highways, encroachments thereon, and penalties," be and the same is hereby amended so as to read as follows, to wit:

(1091.) Sec. 6. If the jury find that any such encroachment has been made by the occupant of the land, or any former occupant thereof, they shall make and subscribe a certificate, writing, of the particulars of such encroachment, and by whom made, which shall be filed in the office of the township clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any former occupant, shall remove the same within thirty days after the filing of such certificate, under the penalty of one dollar for each day Proceedings  
for removal  
of obstruc-  
tions, etc. after the expiration of that time during which such encroachments remain unremoved, and if not removed within the forty days as herein provided, the commissioners may remove the same at the expense of the occupant of the land, to be

**Proviso.** collected in the same manner as is provided in section seven of this chapter for the collection of costs: *Provided*, That said encroachments shall not be required to be removed, nor penalty collected for said encroachment, if the same be by fence or fences for the protection of hedge or hedges, unless the road be so fenced up as to render it less than two rods wide.

Approved April 13, 1871.

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[ No. 190. ]

**AN ACT** to amend section forty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred and fifty-one, being section one thousand nine hundred and twenty-five, in chapter sixty-five, of the compiled laws.

**Section amended.**

**SECTION 1.** *The People of the State of Michigan enact*, That section forty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred and fifty-one, being section one thousand nine hundred and twenty-five, in chapter sixty-five, of the compiled laws, be and the same is hereby amended so as to read as follows:

**Corporation liable for damages sustained by road being out of repair**

**Sec. 45.** Any such corporation shall be liable for all damages that may be sustained by any person or persons, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair, and if such company shall continue to take toll for passing over that portion of their road which may be out of repair, so as to make the passage of teams or vehicles inconvenient or dangerous, for six days at any one time, they shall pay therefor a penalty of fifty dollars, which may be sued for and recovered by the prosecuting attorney of the county in which such portion of their road may be situated, on complaint on oath of any person, to be paid, when

**Penalty for taking toll when road is out of repair and how collected**

collected, to the treasurer of such county for the benefit of township libraries in such county, or such prosecution may be instituted by the highway commissioners of any townships in which the portion of the road so out of repair lies, upon the application of ten freeholders residing in such townships.

Approved April 13, 1871.

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[ No. 121. ]

**AN ACT to regulate the execution and transfer of notes or other obligations given for patent rights.**

**SECTION 1.** *The People of the State of Michigan enact, That* Form of note.  
whenever any promissory note, or other negotiable or assignable instrument, shall be given, the consideration for which shall consist, in whole or in part, of the right to make, use, or vend any patent invention, or inventions claimed to be patented, the words "Given for patent right" shall be prominently and legibly written or printed on the face of such note or instrument, above the signature thereto; and such note or instrument, in the hands of any purchaser or holder, shall be subject to the same defenses as in the hands of the original owner or holder; and any person who shall purchase or become the holder of any such note or instrument, knowing the same to have been given for the consideration aforesaid, shall hold such note or other instrument subject to the same defenses as in the hands of the original owner or holder, although the words "Given for patent right" shall not be written or printed upon the face thereof.

Holder subject to same defenses as original owner.

**Sec. 2.** If any person shall take, purchase, sell, or transfer any promissory note or other negotiable or assignable instrument not bearing the words "Given for a patent right" written or printed legibly and prominently on the face of such note or instrument, above the signature thereof, knowing the con-

Penalty for transfer of note, etc., not in prescribed form.

sideration of such note or other instrument to consist, in whole or in part, of the right to make, use, or vend any patented invention, or invention claimed to be patented, every such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court.

Approved April 13, 1871.

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[ No. 122. ]

**AN ACT** to amend section three, of chapter one hundred and forty-nine, of the revised statutes of eighteen hundred and forty-six, being section five thousand five hundred and ninety-seven of the compiled laws, relative to costs and the recovery and taxation thereof in civil cases.

**Section amended.**

**SECTION 1.** *The People of the State of Michigan enact,* That section three, of chapter one hundred and forty-nine, of the revised statutes of eighteen hundred and forty-six, being five thousand five hundred and ninety-seven of the compiled laws, relative to costs and the recovery and taxation thereof in civil cases, be amended so as to read as follows:

**When plaintiff shall recover costs in the following cases.** (5597.) Sec. 3. In the following cases, if the plaintiff recover judgment by default, upon confession, verdict, demurrer, or otherwise, in any action or proceeding at law, he shall recover his costs:

**First.** In all actions of ejectment, or for waste or private nuisance, and in all proceedings to recover the possession of land forcibly entered, or forcibly or otherwise unlawfully detained;

**Second.** In all actions to which the title of lands or tenements, or right of way, or right by prescription or otherwise.

to any easement in any land, or to overflow the same, or to do any other injury thereto, shall have been put in issue by the pleadings, or shall have come in question on the trial of the cause;

*Third.* In suits and proceedings upon writs of *scire facias*, *audita querela*, prohibition, or information in the nature of a *quo warranto*;

*Fourth.* In all actions of replevin, and in all actions for the recovery of any debt or damages, or for the recovery of penalties or forfeitures, in all cases where the court has exclusive or concurrent jurisdiction;

*Fifth.* In all actions where the plaintiff shall recover less than one hundred dollars, if it appear that his claim, as established at the trial, exceeded one hundred dollars and the same was reduced by set-off;

*Sixth.* In actions for trespass upon land, or for taking personal property, where the court before whom the same shall be tried shall certify in their minutes, or the jury by whom the damages shall be assessed shall find and return in their inquisition, that such trespass was willful and malicious;

*Seventh.* In actions for a false return, or for any other malfeasance or misfeasance by any ministerial or judicial officer in such capacity or office, except such actions against constables or other ministerial officers, touching their duties upon process issued in civil actions brought in a justice's court.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 123. ]

**AN ACT** to amend section seventeen, of chapter one hundred and thirty, of the revised statutes of eighteen hundred and forty-six, the same being section five thousand one hundred and ninety-three of the compiled laws, relative to the foreclosure of mortgages by advertisement.

Section amended.

Affidavits recorded.

**SECTION 1.** *The People of the State of Michigan enact,* That section seventeen, of chapter one hundred and thirty, of revised statutes of eighteen hundred and forty-six, being section five thousand one hundred and ninety-three of the compiled laws, be and is hereby amended so as to read as follows:

(5193.) Sec. 17. Such affidavits shall be recorded at length by the register of deeds of the county in which the premises are situated, in a book kept for the record of deeds; and such original affidavits, the record thereof, and certified copies of such record, shall be presumptive evidence of the facts therein contained.

**Sec. 2.** This act shall take immediate effect.

Approved April 15, 1871.

[ No. 124. ]

**AN ACT** to provide for the payment of the salaries of the military officers of the State.

Appropriation.

Salaries.

**SECTION 1.** *The People of the State of Michigan enact,* That there be and the same is hereby appropriated, out of any money in the treasury to the credit of the military fund not otherwise appropriated, the following sums, for the salaries of the military officers herein named for the year eighteen hundred and seventy-one, and annually thereafter: For the salary of the Adjutant General, the sum of ten hundred dollars; for the salary of the Quartermaster General, the sum of six hundred dollars; for the salary of the Inspector General, one hundred and

twenty-five dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses, not exceeding one hundred dollars; also, the further sum of two hundred and seventy-five dollars to pay arrearages due the Adjutant General for the year eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, the same having been occasioned by a deficiency in the appropriations made for said years.

Further  
sum for  
arrearages  
due the  
Adjutant  
General.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 125. ]

AN ACT to provide for the incorporation of societies for the promotion of pomology, horticulture, and the kindred sciences and arts in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That ~~five persons~~ any five or more persons, and their successors, that may here-<sup>may associ- ate.</sup> after associate together for the purpose of promoting the interests of pomology, horticulture, agriculture, and kindred sciences and arts, may become a body corporate by complying with the requirements of this act.

Sec. 2. The persons intending to become a body corporate for the above named purpose shall publish a notice of their intention to meet for organization three successive weeks in the newspaper published next nearest to the place where such meeting is to be held; said notice to state the object of the meeting, and when and where it will be held, and to be signed by at least three of the persons interested in establishing such organization; said meeting to be open to the public.

Sec. 3. The articles of association adopted at the meeting provided for in the preceding section shall specify: First. The names, officers, and objects of association; Second. The limit of property; Third. The limit of subscription of members;

Articles of  
association.

Fourth. The town, city, village, county, district, or extent of the territory in which the operation of the society may be carried on, or to which they are limited.

*When recorded.*

Sec. 4. The articles of association, duly acknowledged by each stockholder, together with a certificate signed by the secretary, stating the amount of subscription paid in, must be registered in the office where the association is located, in a book kept for that purpose, and a copy of the same must be forwarded to the Secretary of State.

*Corporate rights.*

Sec. 5. On complying with the requirements of this act above specified, the association so organized shall be a body corporate, and shall be capable of buying and selling real estate in the same manner as the agricultural societies; of suing and being sued in any court of this State; may have a common seal, and may alter or amend the same at pleasure; and be subject to the laws of the State applicable to agricultural societies; may make such by-laws and regulations, not inconsistent with its articles or with this act, as may be found desirable to promote the efficiency of the organization: *Provided*, That the by-laws shall not exclude any citizen of Michigan from membership of the association, attending the exhibitions, or participating in its discussions, who shall subscribe and pay to the funds of the society such sum or sums annually as the by-laws of the association shall prescribe.

*Proviso.*

*State associa-  
tion.*

Sec. 6. Should a State association for the promotion of pomology, horticulture, agriculture, and kindred sciences and arts, be organized under this act, it shall be the duty of the secretary of said State society to make and transmit to the Secretary of State a report of the transactions of said society, including copies of papers read at its meetings, reports of exhibitions held, and of facts collected by correspondence; otherwise, at the end of the month of December of each year; said report of transactions to be printed in similar form and number of copies as the reports and transactions of the State Board of Agriculture and State Agricultural Society, under the direction of the Secretary of State.

*Secretary of  
State to print  
report.*

Sec. 7. District or county, town, city, or village associations organized under this act are hereby required to report through their secretary, in the month of November in each year, to the secretary of the State association, the proceedings of said society during the year, giving a statement of the facts elicited and of the experience gained during the preceding year; such reports from district, county, town, city, or village societies to be used as correspondence in compiling the report of the State association provided for in section six.

Sec. 8. Associations incorporated under this act shall, on compliance with the requirements thereof, be entitled to all the immunities, emoluments, and privileges accorded by law to the agricultural societies of this State.

Sec. 9. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 126. ]

AN ACT to establish the fiscal year for the treasury of this State, to fix the time of the annual reports of the State officers, and to provide for the printing and distribution thereof.

SECTION 1. *The People of the State of Michigan enact,* That ~~fiscal year.~~ the fiscal year for the treasury of this State shall commence on the first day of October in each year, and close on the thirtieth day of September in the succeeding year.

Sec. 2. It shall be the duty of the several officers and boards of officers of this State, and also of the several public institutions thereof, from whom annual reports are now or may hereafter be required, to make their respective annual reports to the Governor, and for the period covered by the fiscal year to the treasury, as established by section one of this act, and cause their respective reports to be placed in the hands of

the printer of the laws of this State, for publication, as soon as practicable after the close of the fiscal year.

Publication  
of reports.

Sec. 3. It shall be the duty of each of said officers to examine and correct the proof-sheets and superintend the publication of his report, and each of said boards shall appoint one of its members, or some other suitable person, who shall superintend the publication of its report.

Number of  
copies and  
distribution.

Proviso.

Sec. 4. Of each of the reports of the said officers there shall be printed four thousand copies, of which number four hundred copies shall be for the use of the Senate, eleven hundred copies shall be for the use of the House of Representatives, five hundred copies for the use of the officers making such reports, and the remaining copies shall be preserved for binding with the other joint documents of the fiscal year for which such reports were made: *Provided*, That of such reports for the twelve months ending September thirtieth, next preceding the year in which there is to be no regular session of the Legislature, only the number of each of the reports provided above for the use of the officers making such reports, and for binding with the joint documents, shall be printed.

Acts  
repealed.

Sec. 5. An act entitled "An act to require all State boards to make annual reports," approved February nineteenth, eighteen hundred and sixty-nine, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 6. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 127.]

**AN ACT** to provide for repairing the State Prison, and for making certain additions and repairs thereto.

New build-  
ing and esti-  
mated cost.

SECTION 1. *The People of the State of Michigan enact*, That the agent of the State Prison, or some suitable person to be designated by the inspectors of the State Prison, and under the

direction of said inspectors, shall proceed, with convenient dispatch, to build a center building, octagonal in form, and to contain a kitchen, guard-room, and chapel, together with the necessary cooking range; estimated cost thereof, twenty-five thousand dollars. Also, a building for a hospital, the same to be separate and apart from the main building; estimated cost of same, fifteen thousand dollars. Also, thirty-six large, well lighted and ventilated cells, the construction of same made feasible by erecting the center building, together with twelve privileged cells, the former to be used for the purpose of confining life convicts at hard labor, the latter for the benefit of the aged and infirm convicts; estimated cost of same, ten thousand dollars. Also, to repair the old solitary prison and arrange the same for engine-room, bath, and store-rooms, and place therein engine and apparatus for cooking and warming the whole prison; estimated cost of same, thirteen thousand dollars. Also, to raise the walls on both wings of prison and put on new slate roofs on entire building; estimated cost of same, twenty-two thousand dollars. Also, to extend the east wall of prison yard and make the entire outer wall twenty-four feet high; estimated cost of same, thirty thousand dollars. Said buildings and improvements to be constructed according to plans and specifications now in the possession of the said inspectors, so far as said buildings and improvements shall be made.

Sec. 2. It shall be the duty of the inspectors of the State Prison to prescribe the material to be used in the construction of the buildings, improvements, and repairs, and direct the work upon the same.

Sec. 3. There is hereby appropriated from the State treasury the sum of sixty-five thousand dollars, for the purpose of constructing the buildings and making the repairs and improvements mentioned in section one of this act, which sum, together with the appropriation of fifteen thousand dollars made by the legislature in the year of our Lord one thousand eight hundred

How made.

and sixty-nine, and the surplus earnings of the prison for the years of our Lord one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, of twenty thousand dollars, also the prospective surplus earnings of the prison for the years of our Lord one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, will, in the opinion of the inspectors, be sufficient to meet all the demands of the prison building fund; said appropriations to be made as follows, to wit: the sum of fifteen thousand dollars for the year of our Lord one thousand eight hundred and seventy-one, and the sum of fifty thousand dollars for the year of our Lord one thousand eight hundred and seventy-two; and it shall be the duty of the Auditor General to draw his warrant on the State Treasurer from time to time for such sums as the State Prison inspectors shall certify to be necessary to defray the accruing expense of the work aforesaid.

Convict  
labor.

Sec. 4. There may be used in the construction of said buildings and repairs such convict labor as the State Prison inspectors may direct, and the entire amount of money hereby appropriated for the purposes hereinbefore mentioned shall be and remain separate and distinct from all moneys for the support, maintenance, and management of the prison; the clerk of the prison shall be clerk of such agent or other person who may be employed to supervise the building as aforesaid, and he shall keep in separate books, under the direction of such agent or overseer, all records, accounts, and other matters necessary and proper to be kept relating to all the provisions of this act.

Provision to  
meet appro-  
priation for  
1872.

Sec. 5. The sum appropriated in section three of this act, to wit: the sum of fifty thousand dollars for the year of our Lord one thousand eight hundred and seventy-two, the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and seventy-one, and, when collected, the said sum shall be expended for the purposes specified in section one.

Sec. 6. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 128. ]

**AN ACT for the apportionment of Senators in the State Legislature.**

**SECTION 1.** *The People of the State of Michigan enact,* That this State shall be and is hereby divided into thirty-two Senate districts, and each district shall be entitled to one Senator, which shall be constituted as follows, viz :

**FIRST DISTRICT.**

The first district shall consist of the second, third, fourth, seventh, and tenth wards of the city of Detroit, and the townships of Greenfield, Hamtramck, and Grosse Point, in the county of Wayne, and the election returns shall be made to the clerk's office in the county of Wayne.

**SECOND DISTRICT.**

The second district shall consist of the first, fifth, sixth, eighth, and ninth wards of the city of Detroit, and the election returns shall be made to the clerk's office in the county of Wayne.

**THIRD DISTRICT.**

The third district shall consist of the townships of Brownstown, Canton, Dearborn, Ecorse, Huron, Livonia, Monguagon, Nankin, Plymouth, Redford, Romulus, Springwells, Sumpter, Taylor, and Van Buren, and the city of Wyandotte, in the county of Wayne, and the election returns shall be made to the clerk's office in the county of Wayne.

**FOURTH DISTRICT.**

**The fourth district shall consist of the county of Washtenaw.**

**FIFTH DISTRICT.**

**The fifth district shall consist of the county of Monroe.**

**SIXTH DISTRICT.**

**The sixth district shall consist of the county of Lenawee.**

**LAWS OF MICHIGAN.****SEVENTH DISTRICT.**

**The seventh district shall consist of the county of Jackson.**

**EIGHTH DISTRICT.**

**The eighth district shall consist of the county of Calhoun.**

**NINTH DISTRICT.**

**The ninth district shall consist of the county of Hillsdale.**

**TENTH DISTRICT.**

**The tenth district shall consist of the county of Branch.**

**ELEVENTH DISTRICT.**

**The eleventh district shall consist of the counties of St. Joseph and Cass, and the election returns shall be made to the clerk's office in the county of St. Joseph.**

**TWELFTH DISTRICT.**

**The twelfth district shall consist of the county of Berrien.**

**THIRTEENTH DISTRICT.**

**The thirteenth district shall consist of the county of Van Buren.**

**FOURTEENTH DISTRICT.**

**The fourteenth district shall consist of the county of Allegan.**

**FIFTEENTH DISTRICT.**

**The fifteenth district shall consist of the county of Kalamazoo.**

**SIXTEENTH DISTRICT.**

**The sixteenth district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the clerk's office in the county of Eaton.**

**SEVENTEENTE DISTRICT.**

**The seventeenth district shall consist of the counties of Ingham and Clinton, and the election returns shall be made to the clerk's office in the county of Ingham.**

**EIGHTEENTH DISTRICT.**

The eighteenth district shall consist of the counties of Livingston and Shiawassee, and the election returns shall be made to the clerk's office in the county of Shiawassee.

**NINETEENTH DISTRICT.**

The nineteenth district shall consist of the county of Genesee.

**TWENTIETH DISTRICT.**

The twentieth district shall consist of the county of Oakland.

**TWENTY-FIRST DISTRICT.**

The twenty-first district shall consist of the county of Macomb.

**TWENTY-SECOND DISTRICT.**

The twenty-second district shall consist of the county of St. Clair.

**TWENTY-THIRD DISTRICT.**

The twenty-third district shall consist of the counties of Lapeer, Sanilac, and Huron, and the election returns shall be made to the clerk's office of the county of Lapeer.

**TWENTY-FOURTH DISTRICT.**

The twenty-fourth district shall consist of the counties of Tuscola and Bay, and the election returns shall be made to the clerk's office of the county of Bay.

**TWENTY-FIFTH DISTRICT.**

The twenty-fifth district shall consist of the county of Saginaw.

**TWENTY-SIXTH DISTRICT.**

The twenty-sixth district shall consist of the counties of Iosco, Alcona, Roscommon, Alpena, Gratiot, Midland, Isabella, Clare, and the unorganized counties of Ogemaw, Oscoda,

Montmorency, Gladwin, and Presque Isle, and the election returns shall be made to the clerk's office in the county of Midland.

#### TWENTY-SEVENTH DISTRICT.

The twenty-seventh district shall consist of the counties of Ionia and Montcalm, and the election returns shall be made to the clerk's office in the county of Ionia.

#### TWENTY-EIGHTH DISTRICT.

The twenty-eighth district shall consist of the county of Kent.

#### TWENTY-NINTH DISTRICT.

The twenty-ninth district shall consist of the counties of Ottawa and Muskegon, and the election returns shall be made to the clerk's office in the county of Ottawa.

#### THIRTIETH DISTRICT.

The thirtieth district shall consist of the counties of Newaygo, Oceana, Mecosta, Mason, Lake, Osceola, and Manistee, and the election returns shall be made to the clerk's office in the county of Newaygo.

#### THIRTY-FIRST DISTRICT.

The thirty-first district shall consist of the counties of Wexford, Benzie, Grand Traverse, Leelanaw, Manitou, Antrim, Charlevoix, Emmet, Cheboygan, Mackinaw, Missaukee, and Kalkaska, and the unorganized counties of Crawford and Otsego, and the islands in the Straits of Mackinaw, and the election returns shall be made to the clerk's office in the county of Leelanaw.

#### THIRTY-SECOND DISTRICT.

The thirty-second district shall consist of the counties of Chippewa, Delta, Menominee, Marquette, Houghton, Keweenaw, Ontonagon, and Schoolcraft, and the islands and territory thereunto attached, the islands of Lake Superior, and in Green

Bay, and the River St. Marie, and the election returns shall be made to the office of the county clerk in the county of Marquette.

The election returns of each county forming one district shall be made to the county clerk's office of such county. Returns of counties forming one district.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 129. ]

AN ACT to repeal section two of an act entitled "An act to amend chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six," being section five thousand and two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section repealed.</sup> section two, of act number one hundred and ninety-five, of the session laws of eighteen hundred and forty-nine, entitled "An act to amend chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six," relative to forcible entry and detainers, being section five thousand and two, in chapter one hundred and fifty, of the compiled laws, be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 130. ]

AN ACT to amend section nineteen, of chapter one hundred and seventy-two, of the revised statutes of eighteen hundred and forty-six, being section six thousand one hundred and seventy-six of the compiled laws, entitled "Of the State Prison, and the government and discipline thereof."

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section nineteen, of chapter one hundred and seventy-two, of

the revised statutes of eighteen hundred and forty-six, entitled "Of the State Prison, and the government and discipline thereof," be amended so that said section shall read as follows:

*Salaries of  
officers and  
keepers.*

Sec. 19. There shall be paid to the officers of the State Prison the following annual salaries, to be paid monthly at the office of the prison, to wit: To agent, fifteen hundred dollars, and the use of house, fire-wood, and lights, and no other perquisites whatsoever; to the deputy-keeper, one thousand dollars, and the use of the deputy's house; to the clerk, eight hundred dollars, and use of clerk's house; and to the assistant keepers, a sum not exceeding eight hundred dollars each, as the inspectors shall deem just and reasonable; to the chaplain and to the physician, such sum as the inspectors shall allow.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 131. ]

AN ACT to detach the county of Manitou from the thirteenth judicial circuit, and attach the same to the eleventh judicial circuit.

*Circuits  
changed.*

SECTION 1. *The People of the State of Michigan enact,* That the county of Manitou be detached from the thirteenth judicial circuit and attached to the eleventh judicial circuit.

*Court in  
Manitou Co.,  
and notice  
thereof.*

Sec. 2. The judge of the eleventh judicial circuit shall have the power, and it shall be his duty, on or before May first, eighteen hundred and seventy-one, to fix the time for holding the court in said county of Manitou, and to give notice thereof to the clerk of said county.

Sec. 3. This act shall take immediate effect.

Approved April 15, 1871.

## [ No. 132. ]

AN ACT to provide for the payment of bounties by the State Treasurer upon the warrant of the Auditor General.

SECTION 1. *The People of the State of Michigan enact,* That whenever application shall be made to the Quartermaster General by any soldier, sailor, or marine, or by the widow, child, or children of a deceased soldier, sailor, or marine, for any bounty heretofore authorized by the laws of this State, it shall be the duty of the Quartermaster General to examine said claim, and if it shall appear that said applicant is entitled to the sum claimed, or any part thereof, he shall make the necessary certificate, showing the amount so due, which certificate he shall forward to the Auditor General. The Auditor General shall thereupon examine the books and records in his office, and if it shall not appear therefrom that said bounty, or any part thereof, has been paid to the claimant or any other person, he shall draw his warrant upon the State treasury for the amount so due, the amount of which warrant, upon presentation thereof, shall be paid to the soldier, sailor, or marine, or to the widow, child, or children of a deceased soldier, sailor, or marine, named therein, and to no other person.

Sec. 2. No bounty shall hereafter be paid excepting in the manner hereinbefore provided, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 133. ]

**AN ACT** to amend sections four and five, of act number two hundred and twelve, of session laws of eighteen hundred and sixty-one, entitled "An act to authorize the formation of gymnastic associations."

Sections amended.

**SECTION 1.** *The People of the State of Michigan enact,* That sections four and five of an act entitled "An act to authorize the formation of gymnastic associations," approved March fifteenth, eighteen hundred and sixty-one, be and the same are hereby so amended so as to read as follows:

Officers.

Sec. 4. The officers of the said association shall consist of a president, vice-president, secretary, and treasurer, to be elected by ballot on the last Monday of October (or the first Tuesday in April) in each and every year, who shall hold their offices for the term of one year from the first day of November next succeeding their election, in case they are elected on the last Monday of October; but in case they are elected on the first Tuesday in April, they shall hold their offices for the term of one year from the date of such election, or until their successors are elected; and in case of a vacancy occurring, the board of managers, hereafter provided for, shall notify the members of the association in such way as the association may provide by by-law, and appoint a time and place to fill the same, at which time the association may fill such vacancy. The duties of the aforesaid officers shall be such as the association shall provide by its rules, regulations, or by-laws, and they, or either of them, shall give such security for the faithful performance of their duties as may be required of them under the regulations and by-laws of the association.

Vacancies.

By-laws.

The association may provide for the election of two persons, who shall act as inspectors of elections at all elections for officers, whose terms of office shall be the same as the other officers of said association.

Board of managers.

Sec. 5. There shall be a board of managers, consisting of not less than seven members, including the president, vice-pres-

dent, secretary, and treasurer, who shall be members of said board during their terms of office, elected by ballot by said association at the same time that the other officers are elected, and who shall hold their office from and during the same time as the other officers; said board, of which a majority thereof shall constitute a quorum, shall manage the property and concerns of said association as will best promote the objects thereof, and in such way as may be deemed by them necessary for the proper management of said association; they shall have charge of the gymnasium, other property, and finances of the association, and transact all business appertaining to the same.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 134. ]

**N ACT to provide for the incorporation of St. George's Societies.**

**SECTION 1.** *The People of the State of Michigan enact,* That any number of persons of English birth, who may now or hereafter be residents of this State, or the descendants of such persons in the first or second degree, may be incorporated in pursuance of the provision of this act.

**Sec. 2.** Any ten or more persons residents of this State, being of English birth, or their descendants as aforesaid, desiring to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

**First.** The names of persons associating, and their place of residence;

*Second.* The location of the association of which they are members;

*Proviso.* *Third.* The corporate name by which such association shall be known in the law: *Provided,* That each association incorporated under this act shall be known as "The St. George Society" of (the name of the city or township where such association is located, and if more than one such association is located in the same city or township, the same shall be designated by number);

*Proviso.* *Fourth.* The object and purpose of such association, which shall be to provide for the relief of distressed members and their families (provided such distress is not occasioned by drunkenness or crime), the visitation of the sick, the burial of the dead, and to aid and assist the widows and orphans of deceased members, and, in the discretion of the society, to relieve and advise distressed immigrants and others from that part of Great Britain south of the Tweed, and the isles adjacent thereto, and their sons and grandsons. The period for which such association shall be incorporated shall not exceed thirty years.

*Articles filed and recorded* Sec. 3. A copy of said articles of association shall be filed with county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable of suing and being sued, and they and their successors may have a common seal, and the same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this

*Copy of record evidence in court.*

State, of the existence and due incorporation of such corporation.

Sec. 4. Every corporation formed in pursuance of this act <sup>May hold estates.</sup> shall be capable, in its corporate name, of purchasing, taking, receiving, holding, and enjoying to itself estates both real and personal: *Provided*, That the value of such real and personal <sup>Proviso.</sup> estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, mortgage, lease, devise, and dispose of said real and personal estate, or part thereof, and other estates, real and personal, may acquire instead thereof, at their will and pleasure; and the proceeds shall be devoted exclusively to charitable and benevolent purposes, set forth in section two.

Sec. 5. Said corporations shall have full power and authority <sup>By-laws.</sup> to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporations, not contrary to the laws of this State and the United States, and to designate, elect, or appoint, from among their <sup>Officers.</sup> number, such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporations.

Sec. 6. Any corporations formed in pursuance of this act <sup>Erection of halls and capital stock</sup> may erect and own such suitable edifices, buildings, or halls as such corporation shall deem necessary, with convenient rooms for the meeting of said society, and for that purpose may create a capital stock of not more than sixty thousand dollars, to be divided into shares of not more than twenty-five dollars each.

Sec. 7. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three (73), of the compiled laws of this State, so far as the same <sup>Subject to provisions, chapter 73, compiled laws.</sup>

may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Sec. 8. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 135. ]

AN ACT to amend sections one, two, three, five, and eight, of act number one hundred and twenty-four, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl," approved April third, eighteen hundred and sixty-nine.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three, five, and eight, of act number one hundred and twenty-four, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl," approved April third, eighteen hundred and sixty-nine, be and they are hereby amended so as to read as follows:

When game  
may be  
hunted.

SECTION 1. *The People of the State of Michigan enact,* That no person or persons shall pursue, or hunt, or kill any wild elk, wild buck, doe, or fawn, save only during the months of September, October, November, and December, in each year, or kill or destroy, by any means whatever, or attempt to take or destroy any wild turkey at any time during the year, except in the months of September, October, November, and December, in each year; or kill or destroy, by any means whatever, any woodcock until after the fifth day of July, nor any prairie chicken, or pinnated grouse, ruffed grouse, commonly called partridge, or pheasant, or any wood duck, teal duck, or

mallard duck, save only from the fifth day of August in each year to the first day of February next following.

Sec. 2. No person or persons shall kill or destroy, or attempt <sup>Idem.</sup> to kill or destroy, any quail, sometimes called Virginia partridge, save only during the months of October, November, and December, in each year; and no person or persons shall kill <sup>Penalty for destroying quail.</sup> or destroy any quail in this State, at any time after the passage of this act, until the first day of October, eighteen hundred and seventy-two, under a penalty of five dollars for each quail destroyed.

Sec. 3. No person or persons shall at any time, with a trap, <sup>Certain game not to be snared, etc.</sup> or snare, or net, take any partridge, prairie chicken, wood duck, teal duck, mallard duck, or quail, or attempt to take, with any trap, snare, or net, any partridge, prairie chicken, or quail: *Provided however,* That it shall be lawful to trap <sup>Proviso.</sup> quail and take them alive, for the purpose of keeping them alive through the winter, and for no other purpose whatever; and it shall also be lawful to take with a trap, snare, or net, any wood duck, teal duck, or mallard duck, for breeding purposes.

Sec. 5. No person or persons shall sell, or expose for sale, or have in his or her possession for the purpose of selling or exposing for sale, any of the birds or animals protected by this act after the expiration of thirty days next succeeding the times limited and prescribed for the killing of any such birds or animals: *Provided however,* That it shall be lawful to <sup>Proviso</sup> expose for sale, and to sell, any live quail for the purpose of preserving the same alive through the winter.

Sec. 8. That any railroad, express company, or other common carrier, or any of their agents or servants, or other persons having any of the above named birds or animals in their possession for transportation, or shall transport the same after the expiration of thirty days next succeeding the times limited and prescribed for the killing of such birds or animals, shall be punished by fine not less than ten dollars nor more than one hundred dollars: *Provided,* That such penalty shall <sup>Proviso.</sup> <sup>Penalty for transporting at certain times.</sup>

not apply to the transportation of live quail which are to be kept alive through the winter, or to the transportation of such birds or animals *in transitu* through this State from other States where it is lawful to kill such birds or animals at the time of such transportation.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 136. ]

**AN ACT** to authorize corporations of other States to engage in mining, smelting, or refining of ores or metals within this State.

*May hold real estate necessary for carrying on business.*

*Proviso.*

*Annual report.*

*Duties and liabilities.*

*Debts for labor or material first liens.*

**SECTION 1.** *The People of the State of Michigan enact,* That corporations formed, established, or existing under the laws of other States, for the purpose of mining, smelting, or refining ores or metals, may engage in such business within this State, and any such corporation may acquire and hold such real estate as shall be necessary for carrying on the business of mining, smelting, or refining of ores or metals, and for no other purposes: *Provided,* That any such corporation shall not hold more than six thousand acres of land at any one time.

**Sec. 2.** That every such corporation shall make report to the Secretary of State, of the same matters and things, and at the time, and in the manner required by law of corporations existing under the laws of this State, and under the same penalties, and shall be subject to the same duties and liabilities, and to the payment of the like taxes in all respects as like corporations existing and established under the laws of this State.

**Sec. 3.** Every person who shall perform any labor or furnish any material for such corporation, and every *bona fide* holder of any draft or order for the payment of money due for labor

or material, issued or drawn by any officer, clerk, or agent of such corporation, shall have a first lien for the amount due thereon and therefor upon all the real and personal property of such corporation lying and being within this State, which lien shall take precedence of all debts, judgments or decrees, liens or mortgages against such corporation, except liens accruing to this State for taxes, fines, or penalties; and every such lien may be procured or enforced and collected out of such real and personal property, or either of the same, in the same manner and under the same regulations, limitations, and conditions, as near as may be, as are provided by law for the enforcement and collection of liens on real and personal property of like corporations existing and established under the laws of this State.

Sec. 4. Any corporation doing business in this State under the provisions of this act shall keep an office within the county where its business is carried on, with some person in charge being an officer, agent, or clerk of said corporation, and service of any legal process against any corporation doing business as aforesaid may be made on any such officer, agent, or clerk, and if neither of them can be found in the county where they are to do their business, then such service may be made by posting a true copy thereof in some conspicuous and proper place at the business office of the corporation in said county, and such service shall be as legal and effectual as though the same had been served on some one of the persons hereinbefore named.

Sec. 5. This act shall take immediate effect.

Approved April 15, 1871.

Exceptions.

How col-  
lected.

Business  
office and  
officer in  
charge.

Service of  
legal process.

[ No. 137. ]

AN ACT to provide for publishing the statistics of the State of Michigan taken by authority of the United States, in the year one thousand eight hundred and seventy; also, for publishing the social statistics of Michigan, collected under the authority of act number four, of the laws passed at the extra session of the Legislature of this State, in the year eighteen hundred and seventy.

Secretary of  
State to  
arrange for  
publication.

SECTION 1. *The People of the State of Michigan enact,* That the Secretary of State is hereby directed to cause to be condensed and arranged, in proper form for publication, the statistics of this State taken by authority of the United States in the year one thousand eight hundred and seventy.

Also, social  
statistics.

Sec. 2. The Secretary of State is further directed to cause to be condensed, in proper form for publication, the social statistics collected and compiled by the county clerks, in accordance with the provisions of act number four, of the laws passed at the extra session of the year eighteen hundred and seventy.

Number of  
copies and  
distribution.

Sec. 3. When the foregoing statistics shall be so condensed and arranged, the Secretary of State shall cause six thousand copies to be printed and bound, and, when published, he shall transmit two copies to each organized township in this State, one copy for the use of the supervisor, and one for the township clerk; and he shall also transmit one copy for each township, district, and village library; and he shall also transmit to the county clerk of each organized county in this State, eight copies for the use of the several county officers, and shall also transmit twenty copies to the mayor of each city, for the use of the city library. He shall also cause one hundred copies to be deposited in the State library of this State, and also transmit one copy to each of the officers and members of this Legislature.

Sec. 4. This act shall take immediate effect.

Approved April 15, 1871.

[No. 138.]

AN ACT to amend act number one hundred and eighty-seven, of session laws of eighteen hundred and fifty-nine, approved February fifteenth, eighteen hundred and fifty-nine, and to repeal act number fifteen, of session laws of eighteen hundred and sixty-two, approved January seventeenth, eighteen hundred and sixty-two, and act number seventy-nine, of session laws of eighteen hundred and sixty-three, approved March eleventh, eighteen hundred and sixty three, relative to estates of deceased persons.

SECTION 1. *The People of the State of Michigan enact*, That ~~Act amended~~ act number one hundred and eighty-seven, of the session laws of eighteen hundred and fifty-nine, entitled "An act to amend chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, it being chapter one hundred and seventy-five, of the compiled laws, and to authorize the salary of judges of probate," approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That ~~salary of~~ <sup>probate</sup> ~~Judge.~~ the judges of probate now elected, or to be elected hereafter, shall each receive an annual salary, to be paid quarterly out of the county treasury of their respective counties, and which shall be in full compensation for all services required to be performed by them.

Sec. 2. Said salary shall be fixed and determined by the ~~new fixed.~~ boards of supervisors of their respective counties, except in the county of Wayne, in which county it shall be fixed by the board of county auditors: *Provided*, That such salary in any ~~Proviso.~~ county shall not exceed the sum of one thousand five hundred dollars, except in the county of Wayne, where it shall not exceed two thousand five hundred dollars.

Sec. 3. The county clerk shall report the amount of the ~~How paid.~~ salary allowed in pursuance of the preceding section to the county treasurer, who shall pay the same to the judge of probate of his county, as hereinbefore provided.

~~Section and acts repealed~~

Sec. 7. That section eight, of chapter one hundred and seventy-five, of the compiled laws of eighteen hundred and fifty-seven, entitled "Fees of the judges of probate," and act number fifteen, of the session laws of eighteen hundred and sixty-two, entitled "An act to amend sections four and five of an act entitled 'An act to amend chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, it being chapter one hundred and seventy-five, of the compiled laws, and to authorize the salary of judges of probate,' approved February fifteenth, eighteen hundred and fifty-nine," approved January seventeenth, eighteen hundred and sixty-two, and act number seventy-nine, of the laws of eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'An act to amend chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, it being chapter one hundred and seventy-five, of the compiled laws, and to authorize the salaries of judges of probate,' approved February fifteenth, eighteen hundred and fifty-nine, and an act amendatory thereto, approved January seventeenth, eighteen hundred and sixty-two," approved March eleventh, eighteen hundred and sixty-three, and sections four, five, and six, of act number one hundred and eighty-seven, of the session laws of eighteen hundred and fifty-nine, be and the same are hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 139. ]

AN ACT to provide for the payment of the interest on the State debt.

Appropriations for  
1871 and  
1872.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general fund, for the year eighteen hundred and seventy-one, the sum of sixty thousand

dollars, and for the year eighteen hundred and seventy-two, the sum of sixty thousand dollars, for the payment of the interest on the renewal loan, the two-million loan, the war loan, and the war bounty loan, for which the faith of the State is pledged, if so much shall be required; if not, the balance shall be used in the payment of some portion of the principal of the State debt, in accordance with the provisions of Senate joint resolution number five, approved March sixth, eighteen hundred and sixty-nine.

Balance, if  
any, to be  
applied on  
principal.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 140. ]

AN ACT to amend sections twenty-three and twenty-five, of chapter seventy-two, of the revised statutes of eighteen hundred and forty-six, being sections two thousand nine hundred and thirty-eight and two thousand nine hundred and forty of the compiled laws, relative to appeals from the decision of commissioners on the estates of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Sections  
amended.</sup> sections twenty-three and twenty-five, of chapter seventy-two, of the revised statutes of eighteen hundred and forty-six, being sections two thousand nine hundred and thirty-eight and two thousand nine hundred and forty of the compiled laws, relative to appeals from the decision of commissioners on the estates of deceased persons, be and the same are hereby amended so as to read as follows:

(2938.) Sec. 23. In all cases of appeal from the decision of the commissioners, the person appealing shall give notice of such appeal and of the hearing thereof, in the circuit court, in such manner as the judge of probate shall direct; and in case of an appeal by an executor or administrator, if it shall be made to appear to the judge of probate that the claimant

Notices of  
appeal and  
hearing.

is not a resident of this State, or that his residence is unknown, notice of such appeal shall be given by publication, under an order of the probate court, in such newspaper, and for such time, as the judge of probate shall direct.

Trial of  
appeal.

(2940.) Sec. 25. When such certified copy shall have been filed in the circuit court, such court shall proceed to the trial and determination of the same according to the rules of law, allowing a trial by jury of all the questions of fact in cases where such trial may be proper; and such court may direct an issue to be made up between the parties in a brief form when it shall be deemed necessary; and questions of law may be carried to the supreme court, and costs may be allowed or denied, in the discretion of the court; and in case the notice of such appeal is given by publication, if the claimant fail to appear in such circuit court, at the next term after such appeal shall have been perfected, or within such further time as such court shall direct, such claim shall be disallowed, and such court shall certify the disallowance thereof to the probate court.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 141. ]

AN ACT to facilitate the business of circuit court commissioners.

One com-  
missioner  
may assume  
jurisdiction  
upon return  
or adjourn  
day of  
matters  
commenced  
before  
another.

SECTION. 1. *The People of the State of Michigan enact,* That whenever any process shall have been issued by, or any matter shall have been referred to, any circuit court commissioner, and upon the return day, or any adjourned day thereof, the said commissioner shall be absent or otherwise disqualified from acting therein, it shall be lawful for any other circuit court commissioner, or any other officer having like powers in the same county, in his discretion, to assume jurisdiction thereof.

and, on the said return or adjourned day, or on any other day to which he may adjourn the same, to proceed therein, and to hear, try, and determine the same, and to make all orders, certificates, reports, or returns, and to take and approve all bonds or recognizances, and to make or issue all further papers or process therein, with like effect in all respects as if the original process had been issued by and made returnable before him, or the matter had been originally referred to him; or he may, in his discretion, adjourn the said matter or proceeding from time to time, not exceeding the time allowed by law; and on said adjourned day, the said circuit court commissioner who issued the said process, or to whom the said matter was referred, may assume jurisdiction of the said matter or proceeding, and proceed in all respects therein as if the said adjournment or adjournments had been made by himself.

Sec. 2. Whenever any such commissioner shall have advertised property for sale in pursuance of the decree of a court, and on the day when the sale is so advertised to take place, or on any day to which the same may be adjourned, the said commissioner shall be absent or otherwise disqualified from acting in the premises, any other circuit court commissioner, or any other officer having like powers in the same county, may proceed and make the sale, and thereafter make and execute the deed or deeds for the property sold, and make his report of the same to the proper court, and may proceed in all respects as if he had originally advertised the said property for sale, or he may, in his discretion, adjourn said sale from time to time, as shall be necessary, and publish notice of said adjournments in his own name.

Sec. 3. This act shall take immediate effect.

Approved April 15, 1871.

One com-  
missioner.  
may sell  
property  
advertised  
by another.

[ No. 142. ]

AN ACT to provide an additional sum for the payment of officers and members of the Legislature, for the year one thousand eight hundred and seventy-one.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the appropriation heretofore made, there be appropriated out of any money in the treasury to the credit of the general fund, a further sum, not exceeding fifteen thousand dollars, for the payment of the members and officers of the Legislature for the year one thousand eight hundred and seventy-one.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 143. ]

AN ACT to provide a tax for the expenses of the State government.

Amount to  
be levied for  
1871 and  
1872.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of the taxable real and personal estate of the State, in the year eighteen hundred and seventy-one, two hundred and fifty thousand dollars, and in the year eighteen hundred and seventy-two, three hundred thousand dollars, and the same is hereby appropriated for the payment of the expenses of the State government and the interest upon the State debt not otherwise provided for.

Auditor  
General to  
apportion to  
counties and  
transmit  
amount to  
clerks of  
boards of  
supervisors.

Sec. 2. The Auditor General shall apportion each year the sums herein directed to be levied among the several counties, in proportion to the taxable property therein, as shall be determined by the State Board of Equalization in the year eighteen hundred and seventy-one; and he shall, on or before the fifteenth day of September, in each year, make out and

transmit to the clerk of the several boards of supervisors the amount of such tax so apportioned by him to the county, and shall charge the several amounts so apportioned to the counties respectively.

Approved April 15, 1871.

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[ No. 144. ]

**AN ACT** for the more effectual prevention of cruelty to animals.

**SECTION 1.** *The People of the State of Michigan enact,* That whoever overdrives, overloads, drives when overloaded, over-works, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, over-worked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or willfully fails to provide the same with proper food, drink, shelter, or protection from the weather, shall, for every such offense, be punished by imprisonment in jail not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

**Sec. 2.** Any person who shall keep, or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting, or making a target of any bull, bear, dog, cock, or other creature, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

Penalty for  
transporting  
certain ani-  
mals in cer-  
tain ways.

Sec. 3. Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or who shall carry or cause to be carried on or upon any vehicle, or otherwise, any live animal having the feet or legs tied together, or in any other cruel and inhuman manner, or shall abandon any maimed, sick, infirm, or disabled animal, to die in any public place, or who shall carry or cause to be carried any edible live animal in or upon any vehicle, or otherwise, without providing suitable racks, cars, crates, or cages in which such animal may stand or lie down during transportation, and whilst awaiting slaughter, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in section one of this act.

Animals not  
to be con-  
fined in  
R. R. cars  
longer than  
28 hours.

Sec. 4. No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this act. Any company, owner, or custodian of such animals who shall fail to comply with the provisions of this section shall, for each

Animals to  
be unloaded,  
fed, watered,  
etc.

Penalty for  
violation.

and every such offense, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided however,* That when animals shall be carried in cars in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

Sec. 5. Any person found violating the laws in relation to cruelty to animals may be arrested, and held without warrant, in the same manner as in case of persons found breaking the peace; and the person making the arrest, with or without warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for such animals until the owner therof shall take charge of the same: *Provided,* The owner shall take charge of the same within sixty days from the date of said notice, and the person making such arrest shall have a lien on said animals for the expense of such care and provision.

Manner of arrests in cases under this act.

Sec. 6. When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of his act are being, or are about to be violated, in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable, or public officer, authorizing him to search such building or place, and arrest any person or persons engaged in violating any of the provisions of this act, as well as any person or persons there present and aiding and abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer may, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal, or to aid in the fighting or baiting of any animal,

Magistrate to issue search warrant on satisfactory evidence.

Instruments of torture, etc., to be destroyed.

unless within ten days after the trial of the person or persons so arrested the owner of said article or instrument shall show to the satisfaction of said magistrate that the same is not designed or adapted to the torture or wounding of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument; but no such search shall be made after sunset unless specially authorized by the magistrate upon satisfactory cause shown.

The words  
"animal,"  
"person,"  
etc., as used  
in this act,  
defined.

Sec. 7. In this act the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "person," and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

Officers to  
prosecute for  
violation.

Sec. 8. It shall be the duty of all sheriffs, deputy sheriffs, constables, and police officers to prosecute all violations of the provisions of this act which shall come to their notice or knowledge.

Section  
repealed.

Sec. 9. That section five thousand eight hundred and seventy-nine of the compiled laws is hereby repealed.

Approved April 15, 1871.

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[ No. 145. ]

AN ACT to amend section six, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and sixty-six, in chapter one hundred and sixty-five, of the compiled laws, relative to limitations of personal actions.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section six, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six being section five

thousand three hundred and sixty-six of the compiled laws, be and the same is hereby amended so as to read as follows:

Sec. 6. If any person entitled to bring any of the actions mentioned in this chapter shall, at the time when the cause of action accrues, be within the age of twenty-one years, insane, or imprisoned in the State Prison, or absent from the United States and from the British Provinces of North America, such person may bring the action within the times in this chapter respectively limited, after the disability shall be removed: *Provided*, If any person not already barred by the *Proviso*. provisions of law heretofore existing, from maintaining any of said actions, shall be barred according to the foregoing provisions of this enactment therefrom, then such person may bring such action within one year after this act shall take effect, and not afterwards.

Approved April 15, 1871.

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[ No. 146. ]

AN ACT to apportion anew the Representatives among the several counties and districts of this State.

SECTION 1. *The People of the State of Michigan enact,* That the House of Representatives shall hereafter be composed of members elected agreeably to a ratio of one Representative [Representative] for every twelve thousand six hundred persons, including civilized persons of Indian descent, not members of any tribe, in each organized county, and one Representative for a fraction equal to a moiety of said ratio, and not included therein, that is to say: Within the county of Wayne, nine; within the counties of Lenawee and Kent, four each; within the counties of Allegan, Berrien, Calhoun, Genesee, Hillsdale, Jackson, Kalamazoo, Oakland, Saginaw, St. Clair, and Washtenaw, three each; within the counties of Barry, Branch, Cass, Clinton, Eaton,

One representative to each 12,600 persons or fraction thereof.

Ingham, Ionia, Lapeer; Livingston, Macomb, Monroe, Ottawa, Shiawassee, St. Joseph, and Van Buren, two each; within the counties of Bay, Gratiot, Huron, Houghton, Marquette, Montcalm, Muskegon, Newaygo, Oceana, Sanilac, and Tuscola, one each. The counties of Manistee and Mason shall compose a representative district, and be entitled to one Representative, the election returns of which district shall be made to the county of Manistee. The counties of Benzie and Leelanaw shall compose a representative district, and be entitled to one Representative, the election returns of which district shall be made to the county of Leelanaw. The counties of Grand Traverse, Wexford, Missaukee, Kalkaska, Crawford, and Manitou shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Grand Traverse. The counties of Isabella, Midland, Gladwin, Clare, and Roscommon shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Midland. The counties of Iosco, Ogemaw, Alcona, Oscoda, Alpena, Montmorency, Presque Isle, and Cheboygan shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Alpena. The counties of Mackinac, Emmet, Charlevoix, Otsego, and Antrim shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Charlevoix. The counties of Chippewa, Schoolcraft, Delta, and Menominee shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Delta. The counties of Keweenaw and Ontonagon shall compose a representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Keweenaw. The counties of Mecosta, Osceola, and Lake shall compose a representative district, and be entitled to one Representative,

the election returns of which shall be made to the county of Mecosta.

Approved April 15, 1871.

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[ No. 147.]

AN ACT to amend section forty-two of an act entitled "An act to amend chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" approved February thirteenth, eighteen hundred and fifty-five, being section three thousand six hundred and ninety-four, in chapter one hundred and seventeen, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact,* That Section amended. section forty-two of an act entitled "An act to amend chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" approved February thirteenth, eighteen hundred and fifty-five, being section three thousand six hundred and ninety-four, in chapter one hundred and seventeen, of the compiled laws, be and the same is amended so as to read as follows:

(3694.) Sec. 42. If the plaintiff or any credible person shall make and attach to the writ an affidavit, stating therein that the deponent has good reason to believe that any person (naming him) has property (describing it) in his possession belonging to the defendant, or that he is indebted to the defendant, the officer shall leave with such garnishee, or at his place of abode, a copy of the writ of attachment and of such affidavit, with a written notice that he appear in court on the return day mentioned in such attachment, and answer under oath all questions put to him touching his indebtedness to the defendant, and the property, money, credits, and effects of the defendant in his possession and within his knowledge; and the

Garnishee to appear in court and testify as to his indebtedness to defendant, etc.

Garnishee  
liable after  
service of  
notice to  
appear.

said garnishee, from the time of the service of said notice, shall stand liable to the plaintiff in attachment, to the amount of the property, money, credits, and effects in his hands, or due from him to the defendant. The service of such notice shall be deemed the commencement of a suit against such garnishee, and upon the return of the constable that such notice has been duly served, the justice shall enter such suit on his docket, as in other cases, the plaintiff in attachment being named as the plaintiff therein; and if such garnishee does not appear in court as required, it shall be lawful for the justice to continue the suit so commenced against him to some other day, not exceeding three months, and may, in his discretion, issue a warrant to bring the said garnishee before him, which shall require the constable, after he shall have arrested the garnishee, to notify the plaintiff in attachment of the arrest, and shall be served and returned as other warrants issued by justices of the peace; on the appearance of the said garnishee before the justice, it shall not be necessary for the plaintiff to declare against him, but the affidavit and notice aforesaid shall be deemed sufficient declaration in the cause, and the justice shall forthwith, or on the day to which he may adjourn the same, as in other cases (but so as not to extend beyond the time fixed for the trial of the suit in attachment), proceed to examine the garnishee, and all witnesses produced on either side in that behalf, touching the matters alleged in the affidavit aforesaid, and shall take minutes of all such testimony, and file the same with the case in his office; and after such examination is concluded, the suit against the garnishee shall be continued until the action against the defendant in attachment shall be determined, and the garnishee may appear for said defendant in said suit, and defend the same, and if the plaintiff recover against the defendant in attachment, and the said garnishee deliver to the officer executing the writ of attachment all the property and effects in his possession belonging to such defendant, and pay all moneys due from

How gar-  
nishee's  
costs, and  
costs of suit  
to be paid in  
certain  
cases.

him to said defendant at the time notice was served on said garnishee, or so much of said property and moneys as may be necessary to satisfy said judgment against said defendant, and all costs, then the costs which may have accrued against the garnishee in such suit shall be paid out of the effects in the hands of the officer; but if the garnishee will not deliver over said property, and pay such money as aforesaid, judgment shall be given against him in the suit commenced by notice as aforesaid, in favor of the plaintiff therein, which judgment shall, when the value of such property and effects, or the money due by such garnishee to the defendant in attachment, is less than the amount of the judgment in attachment for damages and costs, be to the amount of such value or money, with costs of suit; but when the value of such property, money, and effects, or the money due as aforesaid, shall exceed the amount of such judgment in attachment for damages and costs, or when the garnishee, on appearing before such justice in obedience to the notice hereinbefore mentioned, or upon being brought before him upon warrant as aforesaid, shall refuse to be sworn, or upon being sworn shall refuse to make answer to said justice touching the property, money, or effects in his possession, or under his control, belonging to the defendant, or the money due from such garnishee to such defendant, the justice may render judgment for the whole amount of the damages and costs in attachment, together with full costs of the suit against such garnishee, and execution shall issue on Execution as  
in other  
cases.

Approved April 15, 1871.

[ No. 148. ]

**AN ACT** to amend sections twenty-six, thirty-one, and eighty-seven, of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine.

**Section amended.**

**SECTION 1.** *The People of the State of Michigan enact,* That sections twenty-six, thirty-one, and eighty seven, of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, be so amended as to read as follows:

**Time of notice by town clerk to supervisor, and by him to county clerk of amount to be raised by tax.**

Sec. 26. It shall be the duty of the township clerk of each township, or of the proper officer of any ward or city, on or before the first day of October of each year, to make and deliver to the supervisor of his township or ward, a certified copy of all statements on file, or of record, in his office, of moneys proposed to be raised therein by taxation, for all purposes, together with a statement of the aggregate amount thereof, and such statements, duly certified by the township clerk, or the proper officer of the ward or city, shall by such supervisor be delivered to the clerk of the board of supervisors of the county within which such township or city is situated, on or before the second Monday of said month, and such statement shall, by said county clerk, be laid before the board at its annual meeting, and filed in his office.

**Board of supervisors to direct lawful amounts to be assessed and apportion State and county taxes.**

Sec. 31. The board of supervisors shall, at said annual session, direct such part of each of the several amounts to be raised by any township, ward, or city, as appears by the certified statements provided for in section twenty-six to be authorized by law to be spread upon the assessment roll of the proper township, ward, or city; said board shall also ascertain and determine the amount of money to be raised by tax for county purposes, and apportion such amount, and also the amount of State tax required to be raised, among the several townships in the county, in proportion to the valuation of the

taxable property therein for one year, as equalized by the board, which determination and apportionment shall be entered at large on their records; and there shall also be entered in full upon the records of the proceedings of such board, its action upon each of the several amounts certified to such board, as proposed to be raised by taxation in the townships, wards, or cities therein, and the several amounts ordered, as hereinbefore provided, to be raised in the several townships, wards, or cities therein, which amounts shall be apportioned respectively upon the basis of the values as equalized by the board.

Sec. 87. If any parcel of land cannot be sold to any person for the taxes, interest, and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State: *Provided*, That from and after the passage of *Proviso*. this act, if the treasurer of any county shall, for any reason, fail to offer the lands lying therein, and advertised as for sale for delinquent taxes thereon, then so many of the lands so advertised as shall not be so offered for sale shall be considered and treated as if bid off for the State by the county treasurer, and shall be subject to redemption and sale in the same manner and within the same time as may be provided by law in the case of lands actually bid off for the State, as is provided in the first clause of this section.

Approved April 15, 1871.

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[ 149. ]

AN ACT to amend section seventeen, of chapter sixty-three, being section one thousand eight hundred and fifteen of the compiled laws, relative to the individual liability of stockholders in mining and manufacturing companies.

SECTION 1. *The People of the State of Michigan enact*, That <sup>section amended.</sup> section seventeen, of chapter sixty-three, of the compiled laws,

entitled "Of mining and manufacturing companies," be amended so as to read as follows:

*Stockholders  
individually  
liable for  
labor per-  
formed.*

*Proviso.*

Sec. 17. The stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporation, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned and not satisfied, or at any time after an adjudication in bankruptcy against such corporation: *Provided always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them, jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.

Approved April 15, 1871.

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[ No. 150. ]

AN ACT to provide for the re-sale of certain swamp lands, sold under section eight, of act number thirty-one, of the session laws of eighteen hundred and fifty-eight, being section number two, of act number one hundred and six, of the session laws of eighteen hundred and fifty-nine.

*Commis-  
sioner may  
re-sell cer-  
tain lands  
after five  
years.*

*Proviso.*

SECTION 1. *The People of the State of Michigan enact,* That any swamp land for which certificates of purchase have been issued, under and by virtue of the provisions of section eight, of act number thirty-one, of the session laws of eighteen hundred and fifty-eight, or section number two, of act number one hundred and six, of the session laws of eighteen hundred and fifty-nine, from and after the expiration of five years from the date of such certificate, may be re-sold by the Commissioner of the State Land Office, the same as other lands are now sold: *Provided,* It shall appear from the affidavit of the supervisor.

or two responsible citizens of the township in which such lands are situated, that neither the purchaser, or his assigns, have settled and become permanent residents on said land, and that said purchaser has made no valuable improvement thereon.

Approved April 15, 1871.

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[No. 151.]

AN ACT to provide for giving notice to county treasurers of lists of railroad grant lands which have become taxable.

SECTION 1. *The People of the State of Michigan enact,* That whenever the Governor shall certify to the Secretary of the Interior that any twenty continuous miles of road have been completed, as provided for in act of Congress approved June third, eighteen hundred and fifty-six, granting lands to the State of Michigan for railroad purposes, he shall also deposit in the office of the Auditor General a copy of said certificate.

Sec. 2. The Auditor General shall, as soon as said lands become taxable, forward to the treasurer of each of the counties in which any of such lands are situated, a description of the lands [so] taxable, situated in that county.

Approved April 15, 1871.

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[ No. 152.]

AN ACT to amend section one hundred and twenty-seven, of act number one hundred and eighty-six, of the session laws of eighteen hundred and sixty-three, being an act entitled "An act to amend an act entitled 'An act to amend sections eleven and one hundred and twenty-seven, of chapter one hundred and seventeen, of the compiled laws, relative to security for costs in justices' courts.'"

SECTION 1. *The People of the State of Michigan enact,* That section one hundred and twenty-seven, of act number one

hundred and eighty-six, of the session laws of eighteen hundred and sixty-three, being an act entitled "An act to amend an act entitled 'An act to amend sections eleven and one hundred and twenty-seven, of chapter one hundred and seventeen, of the compiled laws, relative to security for costs in justices' courts,'" be so amended as to read as follows:

*Judgment by justice to be with costs of suit.* Sec. 127. Whenever a judgment shall be rendered by a justice against any party, unless herein otherwise provided, it shall be with costs of suit: *Provided*, That to entitle the prevailing party to recover his costs, he shall make it appear to the satisfaction of the justice before whom such trial is had, that such costs were paid or incurred in good faith, believing the same material and necessary for the trial of said cause: *And provided further*, That no retaining or attorney fee shall be recovered upon such trial and judgment, except as is provided by act number one hundred and sixty-one, of the session laws of eighteen hundred and sixty-seven, entitled "An act for the protection of the rights of females," approved March twenty-seventh, eighteen hundred and sixty-seven: *And provided further*, That the taxable costs of the prevailing party shall not exceed six dollars in all suits upon contract, and shall not exceed ten dollars in all other cases; and the costs of the prevailing party shall not be deemed to include jury fees, court fee, or officers fees for serving any process except subpoenas for witnesses.

*Further proviso.*

*Third proviso.*

Approved April 15, 1871.

## [No. 153.]

AN ACT to amend chapter one hundred and nine, of the revised statutes of eighteen hundred and forty-six, in relation to the partition of lands, being chapter one hundred and thirty-five, of the compiled laws, as amended by act number seventy, of the laws of eighteen hundred and sixty-three, approved March seventh, eighteen hundred and sixty-three, by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section added.</sup> chapter one hundred and nine, of the revised statutes of eighteen hundred and forty-six, in relation to the partition of lands, being chapter one hundred and thirty-five, of the compiled laws, as amended by act number seventy, of the session laws of eighteen hundred and sixty-three, approved March seventh, eighteen hundred and sixty-three, be and the same is hereby amended by adding a new section thereto, to stand as section eighty-seven, and to be as follows:

(4702.) Sec. 87. Whenever it shall appear that it would be beneficial to any part owner of the premises of which partition is sought, that the same should be leased or protected from waste, trespasses, or injury, or for any other purpose, it shall be competent for the court to appoint a receiver thereof, with such authority as may be necessary in the premises. <sup>Court may appoint a receiver in certain cases.</sup>

Approved April 15, 1871.

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[ No. 154. ]

AN ACT to amend section one of an act entitled "An act to authorize proceedings by garnishment in the circuit courts and in the district court of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> section one of an act entitled "An act to authorize proceedings by garnishment in the circuit courts and in the district court

of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

In what cases writ of garnishment may issue.

Service of writ.

Garnishee to disclose his liability.

SECTION 1. *The People of the State of Michigan enact,* That in all personal actions arising upon contract, brought in the several circuit courts, or district court of the Upper Peninsula, or municipal courts of civil jurisdiction, whether commenced by summons, capias, declaration, or writ of attachment, if the plaintiff, his agent, or attorney, shall file with the clerk of the court at the time of, or after the commencement of suit, an affidavit, stating that he has good reason to believe, and does believe, that any person (naming him) has property, money, goods, chattels, credits, and effects in his hands, or under his control, belonging to the defendant, or that such person is in anywise indebted to the principal defendant, whether such indebtedness be due or not, that the principal defendant (naming him) is justly indebted to the plaintiff in a given amount, over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person, a writ of garnishment shall be issued, sealed, tested, and personally served in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of suit against the principal defendant and the filing of the affidavit, and thereupon commanding said sheriff to warn and summons such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure in writing, under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal [defendant] (naming him), as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant (naming him), and of said writ to make due return.

Approved April 15, 1871.

## [ No. 155. ]

AN ACT to amend sections forty-one, forty-two, forty-seven, forty-eight, fifty-two, and fifty-three, of act one hundred and forty-eight, of session laws of eighteen hundred and sixty-nine, being an act to revise and consolidate the several acts relating to the support and maintenance of poor persons, approved April fifth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* <sup>Section amended.</sup>

That sections forty-one, forty-two, forty-seven, forty-eight, fifty-two, and fifty-three, of act one hundred and forty-eight, of session laws of eighteen hundred and sixty-nine, be amended so as to read as follows:

Sec. 41. In those counties where the respective townships are required to support their poor, the county treasurers thereof shall respectively open and keep an account with each township, in which the township shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the expense actually incurred by the superintendents for the support of such of the township poor as may be supported at the county poor-house, and chargeable to such township, if there be a county poor-house or other place provided in such county for the support of the poor; and the superintendents of the poor of the county shall, in each year, before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several townships for the support of their poor at the county poor-house, as aforesaid, which shall be charged to each township respectively by the county treasurer in his accounts: *Provided*, That in determining the amount of such expense, no estimate shall be made of the original expense incurred in the purchase or building of such poor-house, and the real estate belonging therewith, and the permanent and valuable improvements made thereon.

Treasurers  
of certain  
counties to  
keep sepa-  
rate account  
with town-  
ships.

Annual  
statement  
by superin-  
tendents to  
county  
treasurer.

*Annual statement of receipts and expenditures at poor-house.*

Sec. 42. In those counties in which a poor-house shall be established, or a place provided by the superintendents for the reception of the poor, and in which the several townships

shall be liable for the support of their poor therein respectively, it shall be the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships respectively, in the manner provided for in the preceding section, who shall have been supported at the county poor-house, and shall charge said deficiencies to the townships liable therefor; which statement shall be by them delivered to the county treasurer, as before directed.

*Electors to determine amount to be assessed for support of poor.*

Sec. 47. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose township officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected, shall be paid into the township treasury, subject to the order of the township board.

*Relative to payment for services of supervisors and justices.*

Sec. 48. The accounts of such supervisors and justices of the peace, for any personal or official services rendered by them in relation to the poor, except county paupers, shall be audited and settled by the township boards of their respective townships, and the sums so audited and allowed shall be paid by the township treasurer. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.

Sec. 52. It shall be the duty of the supervisors of such townships which make their poor a township charge, on or before the first day of April in each year, to report to the township board of their respective townships, in such form as they shall direct, the number of paupers that have been relieved or supported in such township the preceding year, and the whole expense of such support.

Sec. 53. Any supervisor who shall neglect or refuse to make such report, or who shall willfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding one thousand dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this State, and to be paid into the township treasury.

Approved April 15, 1871.

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[No. 156.]

**AN ACT** to amend section four, chapter forty-seven, of the revised statutes of the year of our Lord one thousand eight hundred and forty-six, being section one thousand six hundred and six of the compiled laws, entitled "Of lost goods and stray beasts."

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Section amended.</sup> That section four, of chapter forty-seven, of the revised statutes of the year of our Lord one thousand eight hundred and forty-six, entitled "Of lost goods and stray beasts," being section one thousand six hundred and six of the compiled laws, be so amended as to read as follows:

(1606.) Sec. 4. Such finder shall immediately give notice <sup>Relative to</sup> ~~of~~ <sup>notice by</sup> ~~to~~ <sup>finder.</sup> hereof to the owner of any such animal, if known to him; but if the owner thereof be unknown, such finder shall, within ten days, cause notice thereof to be entered with the

Township  
clerk's fee.

Notice to  
county clerk

County  
clerk's fee.

township clerk, in such book as aforesaid, containing a description of the color, age, and natural and artificial marks of such animals, as near as may be, together with the name and residence of such finder, and shall pay to said township clerk the sum of fifty cents for entering the same and sending notice as hereinafter required; and the township clerk shall, immediately upon receipt of such notice, make and send to the county clerk a copy of the same, who shall, immediately upon receipt thereof, enter the same in a book to be kept by him for that purpose, and the finder shall pay to the township clerk the further sum of twenty-five cents, which sum shall be sent with the notice as aforesaid to the county clerk, and the same shall be the amount of fees said county clerk shall be entitled to receive for his services.

Approved April 15, 1871.

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[ No. 157. ]

**AN ACT** to amend section one of an act entitled "An act relative to proof of demands in suit," approved March twenty-sixth, eighteen hundred and sixty-seven.

Section  
amended.

Relative to  
set-offs in  
actions  
brought to  
recover  
amount due  
on open  
accounts.

**SECTION 1.** *The People of the State of Michigan enact,* That section one of an act entitled "An act relative to proof of demands in suit," approved March twenty-sixth, eighteen hundred and sixty-seven, be amended so as to read as follows:

**SECTION 1.** That in all actions brought in any of the courts of this State, to recover the amount due on an open account or upon an account stated, if the plaintiff, or some one in his behalf, shall make an affidavit of the amount due, as near as he can estimate the same, over and above all legal set-off, and annex thereto a copy of said account, and cause a copy of said affidavit and account to be served upon the defendant with a copy of the declaration filed in the cause, or with the

process by which suit is commenced, such affidavit shall be deemed *prima facie* evidence of such indebtedness unless the defendant, with his plea, shall, by himself or his agent, make an affidavit and serve a copy thereof on the plaintiff or his attorney, denying the same; and if the defendant in any action shall give notice, with his plea, of a set-off, founded upon an open account, or upon an account stated, and shall annex to such plea and notice a copy of such account, and an affidavit made by himself, or by some one in his behalf, showing the amount or balance claimed by the defendant upon such account, and that such amount or balance is justly owing and due to the defendant, or that he is justly entitled to have such account, or said balance thereof, set off against the claim made by said plaintiff, and shall serve a copy of such account and affidavit, with a copy of such plea and notice, upon the plaintiff or his attorney, such affidavit shall be deemed *prima facie* evidence of such set-off, and of the plaintiff's liability thereon, unless the plaintiff, or some one in his behalf, shall, within ten days after such service, in causes in the circuit court, and before trial in other cases, make an affidavit, denying such account, or some part thereof, and the plaintiff's indebtedness or liability thereon, and serve a copy thereof upon the defendant or his attorney; and in case of a denial of a part of such set-off, the defendant's affidavit shall be deemed to be *prima facie* evidence of such part of the set-off as is not denied by the plaintiff's affidavit.

Approved April 15, 1871.

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[ No. 158. ]

AN ACT to amend section ten, of chapter one hundred and five, of the compiled laws, relative to filing of chattel mortgages.

SECTION 1. *The People of the State of Michigan enact, That* Section  
amended. section ten, of chapter one hundred and five, of the compiled

laws, be and the same is hereby amended so as to read as follows:

Mortgage of  
goods and  
chattels void  
in certain  
cases.

(3191) Sec. 10. Every mortgage, or conveyance intended to operate as a mortgage, of goods and chattels, which shall hereafter be made, which shall not be accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers or mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be filed in the office of the township clerk of the township, or city clerk of the city, or city recorder of cities having no officer known as city clerk, where the mortgagor resides, except when the mortgagor is a non-resident of the State, when the mortgage, or a true copy thereof, shall be filed in the office of the township clerk of the township, or city clerk of the city, or city recorder of cities having no officer known as city clerk, where the property is.

Exception.

Approved April 15, 1871.

[ No. 159. ]

AN ACT to amend sections five thousand three hundred and eighteen and five thousand three hundred and twenty-three of the compiled laws, being sections one and six, of chapter one hundred and sixty two, entitled "Of writs of mandamus and prohibition."

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one and six, of chapter one hundred and thirty-seven, of the revised statutes of eighteen hundred and forty-six, being sections five thousand three hundred and eighteen and five thousand three hundred and twenty-three, in chapter one hundred and sixty-two, of the compiled laws, entitled "Of writs

of mandamus and prohibition," be amended so as to read as follows:

(5318) SECTION 1. Whenever any writ of mandamus shall be issued out of the supreme court, or by any circuit court of this State, the person, body, or tribunal to whom the same shall be directed and delivered shall make returns to the first writ of mandamus, and for a neglect to do so shall be proceeded against as for a contempt.

(5323.) Sec. 6. The supreme court, or any justice thereof, or the judge of any circuit court, shall have the same power to enlarge the time for making a return and pleading thereto as in personal actions.

Approved April 15, 1871.

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[ No. 160. ]

AN ACT to amend section seven of an act entitled "An act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred and sixty-five, as amended by an act amendatory thereof, approved March fourth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact,* That section seven of an act entitled "An act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred and sixty-five, as amended by act number nineteen, of the session laws of eighteen hundred and sixty-nine, approved March fourth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Sec. 7. The members of every such corporation shall elect, by ballot, from their number, a president, vice president, recording secretary, treasurer, and such other officers as their

Returns  
must be  
made to first  
writ.

Time for  
return.

Section  
amended.

Election of  
officers.

articles of association, constitution, or by-laws may require who shall hold their office for a period not exceeding one year, or until a majority of the members of said association Directors to shall elect others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the unexpired portion of the current term of office of director: *Provided*, That the provisions of this act shall in no wise affect any society or corporation duly organized under any act or acts of which this act is amendatory.

*Proviso.*

Approved April 15, 1871.

[ No. 161.]

AN ACT regulating the fees of judges of probate, clerks of courts, justices of the peace, and notaries public, or other persons authorized to administer oaths, in certain cases.

*Fee for  
administer-  
ing oaths or  
giving cer-  
tificate for  
procuring  
bounty, etc.*

SECTION 1. *The People of the State of Michigan enact*, That no judge of the probate, clerk of any court, justice of the peace, notary public, or any person authorized to administer oaths under and by the provisions of the laws of this State, shall be allowed to charge any discharged soldier, seaman, or the legal representative of a discharged or deceased soldier or sailor, more than fifteen cents for administering any oath, or giving any official certificate, for the procuring or obtaining payment of any pension, bounty, or back pay.

*Idem.*

Sec. 2. That no judge of probate, clerk of any court, justice of the peace, notary public, or any person authorized to administer oaths under and by the provisions of the laws of this State, shall be allowed to charge any widow of a deceased soldier, or guardian to minor children, or other legal representative of such deceased soldier or sailor, more than twenty-five cents for the oath or oaths of such widow, guardian, or

legal representative and their witnesses; nor shall it be lawful for a judge of probate to charge more than fifteen cents for a certificate of guardianship, administration, or of the death of a pensioner, or the widow, children, or other legal representatives of a pensioner, for the purpose of procuring the payment of any installment of pension.

Sec. 3. Any such officer who may ask or accept more than the fees enumerated in sections one and two of this act for any such service, shall on conviction thereof be adjudged guilty of a misdemeanor.

Approved April 15, 1871.

Penalty for violation.

[ No. 162. ]

AN ACT to amend section one hundred and six, act one hundred and sixty-nine, laws of eighteen hundred and sixty-nine, being an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

SECTION 1. *The People of the State of Michigan enact,* That Section amended. section one hundred and six, of act number one hundred and sixty-nine, session laws of eighteen hundred and sixty-nine, be amended so as to read as follows:

Sec. 106. When the return of the sale of land delinquent for taxes assessed thereon is received by the Auditor General from the treasurer of any county, the Auditor General shall make and deliver to the county treasurer making such return a transcript of the account between said county and the State, as it appears upon the books in the Auditor General's office, deducting from the amounts of the credits thereof the amount of bids to the State as appears from such county treasurer's return of tax sales; and the balance, as is shown after deducting such bids to the State, shall be paid to or by the county,

Auditor General to make copy of account with counties and send to treasurer.

Counties to  
carry uncol-  
lected taxes  
until re-  
demption  
expires.

as by such transcript is shown should be done. This section shall be so construed as to provide for such a settlement of accounts between the State and the several counties as shall require the counties to carry the uncollected taxes until the period of redemption expires, after which time the State shall carry such taxes.

Approved April 15, 1871.

[ No. 163. ]

**AN ACT** to amend section thirty, of act number one hundred and sixty-nine, of session laws of eighteen hundred and sixty-nine, being an act to provide for the uniform assessment of property, and for the collection and return of taxes thereon, approved April sixth, eighteen hundred and sixty-nine.

Section  
amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section thirty, of act one hundred and sixty-nine, of session laws of eighteen hundred and sixty-nine, being an act to provide for the uniform assessment of property, and for the collection and return of taxes thereon, approved April sixth, eighteen hundred and sixty-nine, be amended so as to read as follows:

Auditor  
General to  
apportion  
State tax and  
transmit  
amount to  
county  
clerks.

**Sec. 30.** The Auditor General shall apportion the State tax among the several counties, in proportion to the valuation of taxable property therein, as determined by the last preceding State Board of Equalization, and shall, before the October session of the board of supervisors, make out and transmit to the clerks of the several boards the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionments to the counties respectively.

County debt  
to be inclu-  
ded in State  
tax so appor-  
tioned.

The Auditor General shall also include in the amount of the State tax so apportioned to any county, the amount of indebtedness of such county to the State, as shall be shown by the

statement of the account between the county and the State, made by the Auditor General on the first day of July next previous to such apportionment, which amount shall be apportioned by the board of supervisors of the proper county at the same time as are the State taxes contained in such apportionment of the Auditor General, and shall be levied in the same manner as, and become a portion of, the county taxes of the same year: *Provided*, That the amount of county indebtedness ~~Proviso.~~ included in such apportionment shall not be included in the amount of State tax charged to the counties as provided in the first clause of this section.

Approved April 15, 1871.

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[ No. 164. ]

**AN ACT to provide for vacating cemetery plats and cemetery grounds in the limits of incorporated cities and villages.**

**SECTION 1.** *The People of the State of Michigan enact*, That whenever the trustees of any incorporated village, or the common council of any city, shall by resolution adopted by them, determine that the dead bodies buried in any public cemetery located in such city or village should be removed therefrom, for the reason that such cemetery shall have become commons, or shall impede the growth of any such city or village, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery of the county in which such cemetery is located is hereby authorized to vacate the same, or any part thereof, on petition made to such court as hereinafter provided.

**Sec. 2.** That such petition shall be made in behalf of said trustees or common council, by an attorney or agent appointed by them for that purpose, who shall file a petition, signed and sworn to by him, in the office of the register of said court for

Circuit court  
in chancery  
may vacate  
cemeteries.

the proper county, which petition shall set forth his authority as attorney or agent, the particular reasons for making and filing such petition, and a distinct description of the premises on which such cemetery is located, which petition shall be filed, as aforesaid, thirty days previous to the first day of the term for which such petition shall be noticed for hearing. That notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper, published in the proper county, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing.

Notice of hearing.

Court may continue hearing and refer taking testimony to a circuit court commissioner.

Jury.

Defendant.

Damages.

Order for vacating.

Sec. 3. That the hearing of such petition may be continued from term to term, in the discretion of the court, without further notice; that all testimony may be taken in open court, or the taking of the same may be referred, in the discretion of the court, to a circuit court commissioner of the proper county; that, under direction of the court, proper issues may be made for the determination of all questions of law and fact, and all questions of compensation to any person or persons to be affected by such proceedings, and all issues of fact may be tried by a jury if the court shall so order, and any person adversely interested may cause himself to be made defendant to such petition. In all cases where reference shall be made to a jury to determine the compensation to be paid to any person or persons as aforesaid, the proceedings upon such reference shall, so far as practicable, be like those had in cases where a jury is empaneled to ascertain and determine the necessity of taking lands, franchises, and other property for the construction of railroads, and to apprise the damages and compensation to be allowed therefor. If upon the hearing of such petition the petitioner shall produce satisfactory evidence to the court that said trustees or common council have determined as aforesaid, that the notice required by this act has been given, and that such cemetery should be vacated, in whole or in part, as a place of burial, for any of the reasons

given in this act for vacating cemeteries, such as  
thereupon order that such cemetery shall be vacated, in  
or in part, as a place of burial. That a copy of such order  
certified by the register of such court under his seal, shall be  
recorded by the petitioner in the office of the register of deeds  
of the proper county.

Sec. 4. That when any cemetery shall be vacated as provided in this act, the said trustees or common council shall cause all the dead bodies and remains buried in such cemetery to be re-interred in the cemetery of such city or village, if they have one, and if not, then in some suitable cemetery not more than six miles from the nearest corporate limits of said city or village, in a prudent, careful, and respectful manner, and shall cause to be removed and again erected over the proper remains, all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: *Provided*, That no removal of said bodies and remains shall be made during the months of June, July, August, or September. Such removal, and the costs of the proceedings under this act, shall be at the expense of and paid by the city or village in which such cemetery is located.

Sec. 5. In all cases where the title to the land vacated shall revert to such city or village, such city or village shall on demand, and upon the conveyance of said lot (where conveyance may be necessary) to said city or village, repay to any owner the price he may have paid for his lot.

Approved April 15, 1871.

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[ No. 165. ]

AN ACT to compel children to attend school.

SECTION 1. *The People of the State of Michigan enact*, That every parent, guardian, or other person, in the State of Michigan, having control and charge [of] any child or children

Children to  
be sent to  
school 12  
weeks in a  
year.

between the ages of eight and fourteen years, shall be required to send any such child or children to a public school for a period of at least twelve weeks in each school year, commencing on the first Monday of September, in the year of our Lord one thousand eight hundred and seventy-one, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in the public school: *Provided*, In case a public school shall not be taught for three months during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he shall not be liable to the provisions of this act.

**Sec. 2.** It shall be the duty of the director of every school district, and president of every school board within this State, to cause to be posted three notices of this law in the most public places in such district, or published in one newspaper in the township, for three weeks, during the month of August in each year, the expense of such publication to be paid out of the funds of said district.

**Sec. 3.** In case any parent, guardian, or other person shall fail to comply with the provisions of this act, said parent, guardian, or other person shall be liable to a fine of not less than five dollars or more than ten dollars for the first offense, nor less than ten or more than twenty dollars for the second and every subsequent offense. Said fine shall be collected by the director of said district, in the name of the district, in an action of debt or on the case, and when collected shall be paid to the assessor of the district in which the defendant

May be  
excused.

Proviso.

Notice of  
this law to  
be posted.

Penalty for  
non-compli-  
ance on the  
part of  
parents and  
guardians.

resided when the offense was committed, and by him accounted for the same as money raised for school purposes.

Sec. 4. It shall be the duty of the director or president to prosecute any offense occurring under this act, and any director or president neglecting to prosecute for such fine within ten days after a written notice has been served on him by any taxpayer in said district, unless the person so complained of shall be excused by the district board, shall be liable to a fine of not less than twenty or more than fifty dollars, which fine shall be prosecuted for and in the name of the assessor of said district, and the fine when collected shall be paid to the assessor, <sup>Prosecution  
in name of  
assessor.</sup> Fine. to be accounted for as in section three of this act.

Approved April 15, 1871.

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[ No. 166. ]

AN ACT to authorize the dissolution of manufacturing companies organized under chapter sixty-three, of the compiled laws, and the acts amendatory thereof, in certain cases, and for the distribution of the assets thereof among the stockholders thereof.

SECTION 1. *The People of the State of Michigan enact,* <sup>Conditions  
precedent to  
dissolution.</sup> Where any corporation or company which shall have been organized in this State, under chapter sixty-three, of the compiled laws of the State of Michigan, and the acts amendatory thereof, for the purpose of carrying on any kind of manufacturing business, shall not have been engaged in carrying on the business of manufacturing for which it was organized, for a period of two years immediately prior to this act, or who shall hereafter for two successive years not engage in the business of manufacturing for which it was organized, shall, on the <sup>How  
dissolved.</sup> sworn petition of any stockholder to the circuit court of the county where said company or corporation is situated or located, and the business of manufacturing has been carried

*Assets distributed.*

*Proviso.*

*Order for appearance of persons interested.*

*Service of order.*

*Proceedings when parties do not appear.*

*Court shall hear and determine the case.*

*Court shall make necessary rules, etc.]*

*Order for dissolution.*

on, on proof of such fact to the court, be dissolved by an order of said court, and the effects and assets belonging to said corporation or company shall be distributed, by an order of said court, among the stockholders, in an equitable manner: *Provided*, The provisions of this act shall in no case apply to corporations or companies which are at this time or may hereafter be organized in the Upper Peninsula.

Sec. 2. That upon said petition being filed by any stockholder, the said court, or the circuit judge thereof, shall make such order for the appearance of the persons interested in the said company or corporation as shall be just and proper; but such order shall be for their appearance at a time not less than twenty nor more than thirty days prior to service of a copy of such order, if such persons can be found, and if not, then within twenty days after said order shall have been first published in some newspaper in said county for four weeks.

Sec. 3. When it becomes necessary to publish said order as aforesaid, and the parties for whom publication became necessary do not appear within the said twenty days after publication, then upon due proof of publication of said notice and appearance of said petitioner or petitioners, their appearance may be entered and the cause proceed as though personal service had been had.

Sec. 4. When the appearance of all the parties interested shall have been entered and the notice published as aforesaid, the said court shall make such order as to the proofs in the case as shall be just and proper, and shall receive such proof and hear and determine said cause with as great dispatch as possible.

Sec. 5. The said court shall make such rules and regulations in the carrying out of this act as shall be just and proper, and that shall not have been hereinbefore provided for.

Sec. 6. If, in the trial of said cause, it shall be shown that the said company or corporation has not been engaged in the business of manufacturing for two years, as aforesaid, the court

shall make an order that the company or corporation shall be dissolved and the proceeds thereof equitably divided among the stockholders thereof.

Sec. 7. Upon the filing of a petition by a stockholder, the <sup>Manner of prosecution.</sup> case may be prosecuted by him, and the court or the judge thereof shall forthwith make an order directing the manner in which the case shall be prosecuted by the petitioner; and the <sup>Notice of pendency of petition.</sup> petitioners shall cause notice of the pendency of the petition in some paper published in the county where such companies were located, once in each week for six successive weeks.

Sec. 8. Any creditor of said company may enter his or her <sup>Dissolution not granted until debts are paid.</sup> appearance in the case, and on showing to the satisfaction of the court the fact of said indebtedness, the court shall not grant the petition until the debts are paid: *Provided*, That the *Proviso.* provisions of this act shall not apply to any company engaged in the manufacture of butter or cheese.

Approved April 15, 1871.

[ No. 167. ]

**AN ACT** to provide for the better protection of human life on railroad trains.

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Passenger cars to carry ax and saw within reach</sup> That every railroad company running trains upon any railroad within the limits of this State (or any portion thereof) shall provide and carry, at each end of each and every car owned or used by said company for the conveyance and carriage of passengers, a good and serviceable axe, properly sharpened, provided with a proper helve or handle, and at all times in a condition for immediate use; also, a good and serviceable carpenter's saw, also properly fitted and at all times in a condition for immediate use, each of which implements shall be sus-

pended by leather beackets or straps upon the inside of said car, near the door thereof, and within easy view, reach, and access of passengers occupying said car; also, in the baggage car of each train of which any car for the conveyance of passengers forms a part, near the doors thereof, two or more lifting-jacks or screws, each of sufficient power to readily lift one end of any loaded car attached to said train, and each of which shall be so carried and secured as to be within easy view, reach, and access of any person or persons occupying said baggage car.

*Baggage  
cars to carry  
lifting-jacks.*

*Penalty for  
non-compli-  
ance.*

Sec. 2. In case any railroad corporation shall run any trains of cars within the limits of this State for the carriage and transportation of passengers, or upon which passengers are transported, without carrying upon each of the passenger and baggage cars forming a part of such train, the axes, saws, and lifting-jacks in the number, place, and manner particularly prescribed in section one of this act, such corporation shall be liable to a penalty of fifty dollars for each and every train so run, to be sued for in the name of the people of this State, and such railroad corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

Approved April 15, 1871.

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[ No. 168. ]

AN ACT to amend section one of an act entitled "An act to define certain offenses affecting railroads, and to provide punishment for the same," approved April fifth, eighteen hundred and sixty-nine.

*Section  
amended*

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act to define certain offenses affecting railroads, and to provide punishment for the

same," approved April sixth, eighteen hundred and sixty-nine, be and the same hereby is so amended as to read as follows:

**SECTION 1.** That every person who shall place upon any railroad any timber, stone, iron, or other obstruction, or who shall loosen or displace any rail of the track of such railroad, or shall break down or displace, destroy, or injure any bridge, culvert, or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be punished by imprisonment in the State Prison for life, or for a term of years.

Approved April 15, 1871.

[ No. 169. ]

AN ACT to amend sections one, two, three, four, six, nine, ten, eleven, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, twenty-six, twenty-nine, thirty, thirty-one, and thirty-three, of act number forty-three, of laws of eighteen hundred and sixty-nine, being "An act to provide for the draining of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine.

**SECTION 1.** *The People of the State of Michigan enact,* That sections one, two, three, four, six, nine, ten, eleven, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, twenty-six, twenty-nine, thirty, thirty-one, and thirty-three, of act number forty-three, of laws of eighteen hundred and sixty-nine, being "An act to provide for the draining of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

Appoint-  
ment and  
removal of  
commis-  
sioner.

SECTION 1. *The People of the State of Michigan enact,* That the boards of supervisors of each of the organized counties of this State shall have power and are hereby authorized, at any regular or special meeting, by a vote of a majority of all the members elected, to appoint one county drain commissioner for such county, and who may hold his office for two years, and may in like manner remove such commissioner.

Oath of office

Sec. 2. The drain commissioner so appointed, within ten days after such appointment, shall take, subscribe, and file with the clerk of such board, the oath required by the constitution of this State, and within the same time make, execute, and file with such clerk a bond to such board of supervisors, with sureties approved by the chairman of such board, and in the penal sum ordered by the board, conditioned for the faithful discharge of his duties under this act, and the order and resolutions of the board of supervisors in relation to his action as such commissioner.

Powers and  
duties.

Sec. 3. Each drain commissioner so duly appointed, sworn, and qualified by giving and filing such bond, and after filing with such clerk his postoffice address, shall have power and authority within his county to execute the duties of drain commissioner under this act, and the resolutions and orders of the board of supervisors of his county, lawfully made, relating to his action therein, and may at once enter upon the duties of his office; he shall record in a book or books, to be furnished by his county, a full record of his official acts in detail, sign the same, and transfer such record or records to his successor in office, or file the same in the office of the clerk of said board; he shall also file and keep in his office certified copies of all accounts against each drain or water-course laid or established or cleaned out under this act; he shall open an account with each drain or water-course by name or number, and draw all proper orders on each drain fund, charging them over to its proper fund, from which they shall be paid, and not otherwise; he shall report to such board from time to

To keep  
record of  
official acts  
and copies of  
accounts  
with each  
drain, etc.

time, in detail, his action in relation to each drain or water-course, and file the same with such clerk for the examination of such board, and all orders drawn by him shall not be valid until countersigned by the chairman and clerk of such board, after a full examination of the contract, apportionment, and account of such commissioner, duly filed with such clerk as aforesaid required; the books and records of such commissioner shall be deemed public records, open for examination to all persons interested therein, and on removal of such commissioner such records and accounts shall be returned to and filed with the clerk of the board of supervisors of his county.

Books and  
records to be  
open for  
examination.

Sec. 4. Upon application to him in writing of ten or more owners of land in each township in or through which they ask to have a drain constructed, for the construction of any drain or drains under this act, it shall be the duty of said commissioner to examine personally the swamp or low lands designated in such application, and if in his opinion it is proper, or necessary, or for the public health that such swamp or low lands should be drained, he shall try to obtain a release of the right of way and other damages from every person through whose land such drain or drains are to pass; if he obtains such release, he shall proceed to make such examination by surveys or otherwise, as may be necessary to determine the route, width, length, and dimensions of any drain or drains required to be cut in any lands designated in such application, and the lands to be benefited thereby, and shall set stakes at uniform distances, and not more than twenty rods apart, along the proposed line of every drain he decides to construct, and indicate distinctly on each stake the number of the division from the place where such drain is to begin; but if on such examination it shall appear that there was not sufficient cause for making such application, and the commissioner shall so determine, and that no ditch or ditches asked for by said applicants is needed, said applicants shall be liable to said commissioner for the amount of all costs and expenses incurred by him in

Proceedings  
on applica-  
tion for con-  
struction of  
drain.

Applicants  
liable for  
expenses  
when ditch  
is deemed  
unnecessary.

Proviso.

Further proviso.

Special com.  
missioners  
instead of  
jury.

Shall proceed  
same as jury.

Certificate of  
determina-  
tion.

Notice for  
meeting to  
let contracts.

making such determination, and if said applicants shall neglect to pay the same on demand thereof being made, said commissioner may recover the same in an action of assumpsit or on the case, before any justice of said county: *Provided*, That before said commissioner shall act in the premises, the petitioners, or some of them, shall give a bond to said commissioner in a penalty of fifty dollars, with sureties to be approved by him, conditioned to pay all costs and expenses of all proceedings under said petition, in case no ditch, drain, or water-course be ordered, established, or cleaned out, under the petition: *And provided further*, That the petition, except where the same is asked for upon sanitary reasons only, shall be signed by a majority of the resident owners of the lands through or into which said drain is proposed to be constructed.

Sec. 6. Said commissioner, with the consent of a majority of the resident owners of the property affected by said drain, may, instead of calling a jury, as provided in section five of this act, apply to a court of record having jurisdiction in said county, for the appointment of three special commissioners to examine such swamp, marsh, or other low land, and determine the necessity for the construction of any drain or drains therein, and the amount of damages that any person or persons will sustain thereby. It shall be the duty of said court of record, on such application, to appoint such special commissioners, and deliver to said drain commissioner a certificate of the appointment of said commissioner, and the commissioners so appointed shall determine the necessity for constructing any drain or drains so applied for, and assess the damages to which any person or persons shall be entitled by reason of the construction thereof, in the same manner and under the same restrictions imposed on a jury of freeholders in section five of this act, and shall certify in writing their determination to said drain commissioner.

Sec. 9. Said commissioner shall give at least fifteen days' public notice, in some newspaper published and circulat-

ing near such drain or drains, of the time or times when and the place or places where he will meet parties to contract for the excavation and construction of such drain or drains, such place or places to be convenient of access by the people resident near and interested in the proposed drain or drains, and at least three such notices shall also be posted in the most public places of travel and resort in each township, and as near as may be along the line of such proposed drain, at least ten days next preceding such meeting. Said commission[er] shall also name in or in connection with such published and posted notices, a convenient place near such drain or drains, and a time not less than three days nor more than five days prior to the day fixed in said notices for letting the construction of such drain or drains, at which time and place he will exhibit surveys of the proposed drain or drains, and descriptions of the several parcels of land by him deemed to be benefited thereby, and the amount and description, by divisions and subdivisions, of the proposed drain or drains by him apportioned to the owner of each description of land to construct, and to each township to construct, on account of drains benefiting highways, if any such benefit there be, and hear reasons, if any are offered, why such apportionments should be reviewed and corrected. And said commissioner shall also give at least six days' notice, in writing, to each and every resident owner or occupant of any of the lands assessed for the incidental expenses, damages, and expense of construction of drains, as mentioned in section eight of this act, of such meeting for review and correction of apportionment. And if at this time two-thirds of the persons whose lands are to be taxed for such drain or drains enter a protest against said drain, and pay the costs and expenses up to this time, all proceedings for the construction of said drain or drains shall be suspended for one year. Between such day of hearing and review and the appointed day of letting, the commissioner shall, if need be, revise his apportionments of such drain or

Notice of day  
and place for  
exhibiting  
surveys and  
apportion-  
ment of cost  
of construc-  
tion, and re-  
view and  
correction  
thereof.

Hearing of  
reasons for  
reviewing  
and cor-  
recting ap-  
portionment

Notice to  
resident  
owners or  
occupants of  
lands as-  
sessed, of  
meeting for  
review and  
correction.

Protest of  
two-thirds  
shall sus-  
pend con-  
struction.

Apportion-  
ment revised

Each land-owner may contract for making his portion of the ditch.

When contract let to the lowest bidder.

Form of contracts.

Where expense of same shall be levied.

Letting of contracts may be postponed.

drains. At the time and place for letting named in said notices, the owner of each such parcel of land, or his or her agent or attorney, may appear, and make and execute to said commissioner a contract or contracts, with good and sufficient surety, for the faithful performance of the excavation and construction within the time limited by said commissioner in such contract or contracts, of so much of such drain or drains as said commissioner has adjudged or set off to such land. When any part of such drain or drains is offered to be left, and the owner of the land to which it is assigned, or his or her agent or attorney, shall not at once, and without unnecessary delay, enter into contract, as aforesaid, to excavate and construct the same, as provided in this section, it shall be the duty of said commissioner to let the same to the lowest responsible bidder or bidders therefor, who shall execute and file a contract or contracts, with good and sufficient surety, as aforesaid, with said commissioner, for the faithful performance of the excavation and construction of the same, according to said contract or contracts; and the cost of such excavation and construction, and its portion of the incidental expenses and damages, shall be levied and assessed upon the land to which such part or parts of said drain or drains have been assigned, as aforesaid. If at the time of letting said drain or drains, according to said notice, no suitable land-owners or bidders for the construction of the same, or any part thereof, appear to take or bid and contract, with good and sufficient surety, for the construction and completion of the whole of the same, or for any other cause by said drain commissioner deemed important and sufficient, he may postpone and adjourn such letting, in whole or in part, and from time to time, to such other time or times, to be by him at the time of such adjournment publicly announced, as shall to him seem meet and proper, but not in all more than thirty days from and after the time of the letting at first advertised and noticed as aforesaid. At the hearing and the letting

provided for in this section, one or more of the commissioners of highways of any township named in said notice, and to which has been assigned any construction of drain or tax for incidental expenses or damages on account of benefit by such drain or drains to highways, may appear and act in behalf of such township. Any taxes so assessed on State lands shall be at once reported by said commissioner to the Commissioner of the State Land Office, who shall enter on the books of his office, against each description of such State land, the amount of drain taxes assessed thereon, and no patent shall issue for such lands until said drain taxes are paid or otherwise provided for. Any person resident in said county failing or neglecting to file, in writing, with said commissioner, on or before such appointed day of hearing and review, his claim for damages, or objections to such assessments, shall be held to have waived his claim for damages and his right to appeal.

Sec. 10. When any part or parts of such drain or drains are not finished within the time limited by contract, said drain commissioner may, in his discretion, or at any time thereafter, extend such contract or contracts, or re-let such unfinished drain or drains, or any part thereof, by public sale or otherwise, after not less than five days' notice thereof, to the lowest responsible bidder or bidders, and shall take security, as before. The cost of completing such parts, and the expense of notices and re-letting, shall be collected by said commissioner of the parties at first contracting to construct the same, or partly collected of such parties and partly assessed on the lands to which the construction of such parts was assigned, as may be deemed just and equitable; and said commissioner shall see and provide that the finished portions of any drain by him laid out, established, and constructed, shall have free outlet, as far as may be, within the limits of his jurisdiction: *Provided*, *Proviso*. That in no case shall such commissioner forfeit and annul a contract without ten days' notice to such contractor, if found,

Highway  
commiss-  
sioner may  
act for town-  
ship at  
meeting for  
hearing and  
letting.

Taxes on  
State lands  
reported to  
Commiss-  
sioner State  
Land Office.

Patent shall  
not issue  
until drain  
taxes are  
paid.

When per-  
sons held to  
have waived  
right of ap-  
peal.

Contracts  
extended or  
re-let.

How ex- .  
pense of re-  
letting and  
completing  
collected.

Drain to  
have free  
outlet.

and if not found, then by written notice left at his last place of residence.

*Report to  
supervisors.*

Sec. 11. Said commissioner shall make a full report of all his doings in the premises, accompanied with surveys if necessary, and all other matters needful to a full exhibition of his action on such drain, and present the same to the board of supervisors at their next annual meeting, using such blanks and forms as may be necessary for this purpose; and the board of supervisors shall, at said meeting, charge the aggregate sums as they are so apportioned, against the proper townships, and direct the supervisor of each township in which any portion of said drain or drains may be ordered to be constructed or tax levied, to levy the same upon the several parcels of land described in said report of his township, according to the apportionment of said commissioner, and direct the township treasurer to collect and pay said sums to the county treasurer in like manner and at the same time with other taxes: *Provided*, Said report and apportionment shall contain a description, and the amount of the assessment, which shall not exceed twenty-five per cent of the previous year's assessed valuation, of each parcel of land, specifying each piece or parcel of land by usual subdivisions of sections of all land through which such drain or drains may run, or which in his opinion are actually benefited thereby, and be published in some newspaper within the county, at least three weeks in succession, previous to the said meeting of the board of supervisors.

*Drains in  
highways.*

*Overseer to  
keep open.*

*Bridge for  
same.*

Sec. 14. Drains may be laid along, within the limits of, or across any public road; and when any shall be so laid out and constructed, or where any road shall hereafter be constructed along or across any such drain, it shall be the duty of the overseers of highways, in their respective districts, to keep the same open and free from all obstructions; and when any such drain shall cross a public highway the commissioners of highways of the proper township shall build and keep in repair a suitable bridge over the same; and the township to which any road

along or across which any drain has been made, belongs, shall pay towards the construction of such drain such sum, including the cost of building such bridge, as the drainage commissioner shall estimate, as aforesaid, as the benefit accruing to such road from such drain. A drain may be laid along any railroad when necessary, but not to the injury of such road, and when it shall be necessary to run a drain across a railroad, it shall be the duty of such railroad company, when notified by said drain commissioner to do so, to make the necessary opening through said road, and to build and keep in repair a suitable culvert.

**Sec. 17.** No money shall be paid by any county treasurer of any county in which a tax is assessed for the purposes of drainage, under this act, except on a warrant drawn by such commissioner, countersigned by the chairman and clerk of the board of supervisors of his county, and in the county of Wayne the board of county auditors, and then only from the particular ditch fund provided for such ditch, and not otherwise.

**Sec. 18.** The commissioner shall be entitled to receive not to exceed four dollars per day, for the time actually spent by him in performing his duties under this act, which shall be in full for time and all his expenses, to be audited by the board of supervisors, and paid out of the moneys collected by virtue of this act, for each respective ditch or drain, and not otherwise.

**Sec. 19.** Whenever any order drawn by the commissioner shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall endorse thereon the date of such presentation, with his signature thereto. Such order shall draw interest from and after such presentation and endorsement.

**Sec. 20.** Whenever it shall be deemed necessary to run a drain across any county line, the application for such drain shall be addressed to the commissioners of both counties, and the same proceedings shall be had, as near as may be, as are required on the application to the commissioner of one county,

and they [shall] both act as one board of commissioners, and the board thus formed shall report to both boards of supervisors and the Commissioner of the State Land Office, as hereinbefore provided when the drain lies in one county.

*Appeal from decision of commissioner to jury, and thence to board of supervisors.*

*Proviso.*

Sec. 21. An appeal shall lie from the decision of said commissioner to a jury of six disinterested freeholders, on due application to a justice of the peace in and for the proper county, within ten days after such decision, and from the award of such jury to the board of county supervisors, by notice filed with the county clerk within ten days after such award is rendered: *Provided*, The appellants shall, in all cases before taking such appeal, give security for costs, with one or more sureties, to the satisfaction of the justice before whom such appeal is taken; and a review, simply to correct mistakes or errors in fact, may in like manner be had before the board of county supervisors, at any time within one year after such mistake has been made by said drain commissioner.

*Commissioner subject to control of board of supervisors.*

Sec. 24. The board of supervisors of each county in which a commissioner shall be appointed shall have full power and authority to control the action of such commissioner, and may order a re-assessment of the drain tax, or any portion thereof, to correct errors, as provided in section fifteen of this act, and may make any other order in relation to such ditches or drains, or other matter relating thereto, not inconsistent with the public interests or the rights of individuals, which order shall be binding on such commissioner.

*Proceedings when it is necessary to run drain into or through a lake, etc.*

Sec. 26. Whenever application shall be made, as provided in section four of this act, to said commissioner, to examine any swamp, marsh, or other low land, for the construction of any drain, and in such examination it shall appear necessary to extend such drain into or through any lake or body of water surrounded wholly or in part by swamp, marsh, or other low lands, said commissioner is authorized to so extend such drain; and for the purpose of ascertaining the amount of lands benefited.

shall, if necessary, cause surveys to be made of the boundary line of such body of water, for the purpose of assessing the incidental expenses, damages, and expenses of construction of such drain; such reclaimed land shall be attached to and constitute part of the legal subdivision adjoining: *Provided*, *Proviso.* When a release of the right of way and all other damages for the extension of such drain has not been obtained from all the owners of land adjoining such lake or other body of water, then the necessity for the extension of such drain shall first be determined and damages awarded by a jury or by special commissioner, as in this act provided.

Sec. 29. It shall be the duty of every person owning land across which a drain has been or may be lawfully constructed by the county drain commissioner, to keep so much of such drain as lies upon his lands, which are in any manner benefited by such drain or ditch, open and in good repair; if such owner shall refuse or neglect to keep such drain open and in good repair, it shall be lawful and the duty of said commissioner, on application to him in writing of five freeholders, residents near the obstructed parts of such drain, to open and repair the same, and the costs and expenses of such repairs shall be collected by said commissioner of such delinquent owner, or such costs and expenses, with one year's interest on the same, may be reported to the board of supervisors, who shall order the same to be assessed by the supervisor of the proper township on the real and personal estate of such delinquent owner, and the same shall be collected and paid over to the county treasurer, and passed to the fund of such drain: *Provided*, That if such expenses shall exceed ten dollars, the *Proviso.* same application shall be had as in section four of this act, and the expense of such repairs shall be assessed on the several parcels of land previously assessed for the construction of such drain; and such assessment shall be reported, collected, paid

over, and passed to the fund of such drain, as in this act provided.

Term of  
office of com-  
missioners  
not changed  
by this act.

Sec. 30. All commissioners appointed according to the provisions of an act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one, and the several acts amendatory thereto, wiz: act number two hundred and forty, laws of eighteen hundred and sixty-five, approved March eighteenth, eighteen hundred and sixty-five; act number four, laws of eighteen hundred and sixty-seven, approved February fifth, eighteen hundred and sixty-seven; act number one hundred and twenty-seven, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven; and act one hundred and forty-nine, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven; or who are elected or appointed under the act to which this is amendatory, and who are holding such offices at the time of the passage of this act, shall continue to hold such office, with all the powers, and subject to the provisions of this act, until their term of office shall expire, or they shall resign, or be removed by the board of supervisors of the proper county, or until a drain commissioner shall be appointed and qualified, and has filed his oath and bond as provided in this act; and thereupon they shall deliver to said commissioner all books, papers, moneys, accounts, or other property belonging to said office. Any action or suits begun under said acts shall continue and be determined under and according to this act; and said commissioner may alter and vary the route, and rescind any contract entered into for the construction of any drain, for any cause which, in his opinion, may be sufficient; and upon such alteration or variation of route, or rescission of contract, may proceed to the completion of such drain or drains under the provisions of this act; and it is provided that anything con-

Actions or  
suits begun  
under for-  
mer acts.

Route may  
be altered or  
contract  
rescinded.

tained in this act shall not be construed or held to annul or avoid any assessment, contract, or undertaking heretofore made, levied, or entered into by the commissioners of any county under the said acts which are by this act repealed, save as in this section provided ; and all rights which may have accrued, and all acts done by such commissioners, shall remain unimpaired by anything herein contained, save as provided in this section, and all acts done and all rights which may have accrued shall be continued, perfected, and closed by the commissioner appointed under this act, and in case none shall be appointed, then the same may be perfected and closed by the commissioners by whom the acts were commenced : *Provided, Proviso.* That no drain commissioner holding office at the time this act takes effect shall be removed by the board of supervisors except for incompetency or malfeasance in office.

Sec. 31. No person holding the office of supervisor shall be deemed eligible to the office of drain commissioner, under the provisions of this act, and any commissioner accepting said office of supervisor shall thereupon be considered as removed from said office of drain commissioner : *Provided,* That all acts done under the provisions of act number forty-three, of session laws of eighteen hundred and sixty-nine, by drain commissioners who were supervisors, shall be deemed as legal and valid as if such commissioners were not supervisors at the time.

Sec. 33. The collection of no tax or assessment levied, or ordered to be levied, to pay for the location and construction of any ditch, or drain, or water-course laid out and constructed under and by authority of this act, or the act to which this act is amendatory, shall be perpetually enjoined or declared absolutely void in consequence of any error committed by the drain commissioner, the supervisors of the respective townships, the board of supervisors, or their chairman or clerk, in the location and establishment thereof, nor

Assess-  
ments, con-  
tracts, rights  
accrued, etc.,  
not annulled  
by this act.

Supervisor  
cannot be  
drain com-  
missioner.

Taxes not  
perpetually  
void on ac-  
count of  
error.

Relative to  
proceedings  
now pend-  
ing on  
ground of  
error.

by reason of any error or informality appearing in the record of the proceedings by which any ditch, drain, or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought, to reverse or to declare void the proceedings by which any ditch, drain, or water-course has been located or established, or to enjoin the tax levied to pay for the labor and costs, and expenses aforesaid, shall, if there be manifest error in said proceedings, set the same aside and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary; and the court shall, on a final hearing, make such an order in the premises as shall be just and equitable, and may order such tax to remain on the roll for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole, or such part thereof as may be just and equitable, to be refunded, the costs of said proceedings to be apportioned amongst the parties, or to be paid out of the county treasury, as justice may require.

Approved April 15, 1871.

## [ No. 170. ]

AN ACT to amend sections sixteen, twenty-three, twenty-four, twenty-five, twenty-eight, thirty-nine, fifty-seven, sixty-five, sixty-six, sixty-seven, eighty, one hundred and six, one hundred and thirty-seven, and one hundred and thirty-nine, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, being sections two thousand two hundred and fifty-nine, two thousand two hundred and sixty-six, two thousand two hundred and sixty-seven, two thousand two hundred and sixty-eight, two thousand two hundred and seventy-one, two thousand two hundred and eighty-two, two thousand three hundred, two thousand three hundred and eight, two thousand three hundred and nine, two thousand three hundred and ten, two thousand three hundred and twenty-three, two thousand three hundred and forty-nine, two thousand three hundred and seventy-eight, and two thousand three hundred and eighty, of the compiled laws; also, section two thousand three hundred and eighty-four of the compiled laws, as amended by an act approved April third, eighteen hundred and sixty-six; also, section four of an act approved March twenty-sixth, eighteen hundred and sixty-seven, amending an act to establish graded and high schools, approved February fourteenth, eighteen hundred and fifty-nine; also, section two thousand four hundred and eleven of the compiled laws, the same being section thirteen of an act for the relief of school districts, approved February seventh, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* Sections  
amended. sections sixteen, twenty-three, twenty-four, twenty-five, twenty-eight, thirty-nine, fifty-seven, sixty-five, sixty-six, sixty-seven, eighty, one hundred and six, one hundred and thirty-seven, and one hundred and thirty-nine, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, being sections two thousand two hundred and fifty-nine, two thousand two hundred and sixty-six, two thousand two hundred and sixty-seven, two thousand two hundred and sixty-eight, two thousand two hundred and seventy-one, two thousand two hundred and eighty-two, two thousand three hundred, two thousand three hundred and eight, two thousand three hundred and nine, two thousand three hundred and ten, two thou-

sand three hundred and twenty-three, two thousand three hundred and forty-nine, two thousand three hundred and seventy-eight, and two thousand three hundred and eighty, of the compiled laws; also, section two thousand three hundred and eighty-four of the compiled laws, as amended by an act approved April third, eighteen hundred and sixty-nine; also, section four of an act approved March twenty-sixth, eighteen hundred and sixty-seven, amending an act to establish graded and high schools, approved February fourteenth, eighteen hundred and fifty-nine; also, section two thousand four hundred and eleven of the compiled laws, the same being section thirteen of an act for the relief of school districts, approved February seventh, eighteen hundred and fifty-five, be and hereby are severally amended to read as follows:

**Challenging  
votes.**

Sec. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, and are liable to pay a school district tax therein;" and every person taking such oath shall be permitted to vote on all questions proposed at such meeting. Or he may take the following oath, to wit: "You do swear (or affirm) that you have been for the past three months an actual resident of this school district, and are a legal voter at townships and county elections;" and he may vote upon all questions when the raising of money by tax is not in question.

**Oath of  
voter.**

**Voters may  
impose tax  
for school  
purposes.**

Sec. 23. Such qualified voters, when assembled as aforesaid, may, from time to time, impose such tax as shall be necessary to keep their school-house in repair, and to provide the necessary appendages and school apparatus, and in townships having

district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred; and when a tax is voted, or estimated by the board under the provisions of section twenty-four, and as [is] needed for use before it can be collected, the district may borrow to an amount not exceeding the amount of the tax; and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a vote of two-thirds of the tax-paying voters of the district.

Sec. 24. They shall also determine at such annual meeting the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax and primary school fund; and whether by male or female teachers, or both; and it shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such schools, including fuel and other incidental expenses, and for deficiencies of previous year; and previous to the second Monday in October make a written report of the amount so determined to the supervisor of the township in which any part of said district may be situated; and the same shall be levied upon the taxable property of the district, collected, and returned in the same manner as township taxes. A school month, within the meaning of this act, shall consist of four weeks, of five days in each week, unless otherwise specified in the teacher's contract.

Sec. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meetings, the district board shall have power, and it shall be their duty, to determine the same; and in case the district fails to vote for

at least the minimum length of school required by said section, it shall be the duty of the said board to make the necessary provisions for said minimum length of school.

All residents  
may attend  
school.

Sec. 28. All persons, residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: *Provided*, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places, as may be deemed expedient.

Proviso.

Hiring of  
teachers,  
contracts,  
etc.

Sec. 39. The district board shall hire such qualified teachers as may be required; and all contracts shall be in writing, and signed by a majority of the board on behalf of the district. Said contract shall specify the wages agreed upon, and shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the close of the school. Said contract shall be filed with the director, and a duplicate of the same furnished to the teacher.

Board may  
purchase  
books for  
indigent  
children.

Text-books.

Sec. 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchases in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe a uniform list of text-books to be used in the said school; but text-books, once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.

Custody and  
use of school  
house.

Sec. 65. The said district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall by a vote of the district be specially confided to the custody of the director, including all

books purchased for the use of indigent pupils, and shall open the school-house for public meetings, unless by vote at a district meeting it shall be determined otherwise.

Sec. 66. It shall be the duty of said board to fill by appointment, without delay, any vacancy that shall occur in their own number, or they shall call a special meeting of the district to fill such vacancy by an election. Vacancies in board.

Sec. 67. Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three, of chapter fifteen, of the revised statutes of eighteen hundred and forty-six; and in case of temporary absence, or positive disability of a district officer to perform any necessary duty of his office, the board may appoint a substitute for the time being, who shall be subject to all the requirements and responsibilities of the office. How school district offices shall become vacant, etc.

Sec. 80. It shall be the duty of county schools superintendents to furnish to the clerks of the several townships in the county a list of names of persons to whom they have given certificates to teach in their respective counties, with the date and term of the same; and the inspectors, before making their annual report to the county superintendent, shall examine said list; or in townships having no county superintendent, they shall examine the record of teachers to whom certificates have been given by themselves; and if in any school district a school shall not have been taught for the time required by law during the preceding school year by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the county clerk or county superintendent. Duty of inspectors relative to distribution of public money.

**Assessment  
and collec-  
tion of  
school taxes  
voted.**

Sec. 106. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, as equalized by the board of supervisors, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes.

**Rights of  
non-resident  
tax payers.**

Sec. 137. Any person paying taxes in a district in which he does not reside may send scholars to any district school therein, if no school is being kept in his own district, on paying a tuition equal per scholar to the last previous apportionment of primary school money; but he shall not have the right of voting in school meetings, nor shall his children be included in the census of said district.

**Apportion-  
ment of pub-  
lic money in  
fractional  
districts.**

Sec. 139. For the purpose of apportioning the income of the primary school fund among the several townships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the director is required to be made; and the district shall be numbered by the inspectors of said township.

**Taxes not  
assessed at  
proper time,  
and liability  
for not  
assessing.**

(2384.) Sec. 1. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year; and any supervisor willfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor, in the name of the district, in an action of debt or on the case.

**Annual  
statement of  
trustees.**

Sec. 4. The said trustees shall present, at each annual meeting, a statement in writing of all receipts and expenditures on behalf of the district for the preceding year, and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district for purposes other than those for which

the district board are to make the estimates, under section twenty-four of the primary school law (which estimate shall be made in the same manner by said trustees); and the district may, at any regular meeting, vote such taxes upon the taxable property of the district as may be required, and as school districts are allowed by law to raise.

(2411.) Sec. 13. No alteration shall be made in the boundaries of any school district organized under the law for graded and high schools, without the consent of a majority of the trustees of said district, which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township of which the reports of said district are made; and districts organized under the law aforesaid shall not be restricted to nine sections of land.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 171.]

**AN ACT** to amend sections twenty-one and twenty-two of an act entitled "An act for the incorporation of insurance companies, and defining their powers and duties," approved February fifteenth, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof.

**SECTION 1.** *The People of the State of Michigan enact, That* Sections  
amended *sections twenty-one and twenty-two of an act entitled "An act to amend an act entitled 'An act for the incorporation of insurance companies, and defining their powers and duties,' approved February fifteenth, eighteen hundred and fifty-nine," as amended by act number two hundred and eight, of the session laws of eighteen hundred and sixty-seven, approved March twenty-eighth, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:*

~~Application  
for, and ap-  
pointment  
of a receiver.~~

Sec. 21. At any time after such publication, the Secretary of State may appear in said court, in person or by counsel, and move for the appointment of a receiver for said company, and the said company may also be heard, and upon such hearing the report of such company filed in the office of the Secretary of State shall be conclusive evidence of the facts therein stated, and of the liability of such company, unless such company shall show that they have since paid and discharged the liabilities; and if upon the hearing thereof it shall appear to such court that the statements in such petition are materially true, the said court shall appoint a receiver for such company, who

~~Powers and  
duties.~~

shall be and is hereby empowered to take possession of all books and papers and personal property of said company, and shall ascertain the amount due from said company for losses by fire on property insured, and shall at once proceed to assess

~~Assessment  
to pay losses.~~

upon all of the stockholders and persons insured in such company, such sums of money as will in the aggregate be sufficient to pay all the losses and liabilities of said company, together with the services and expenses of such receiver, according and in proportion to the amount of their insurance stock or interest in such company, in the classes wherein the losses occurred or liabilities arose, respectively; and upon payment of such assessment the said stockholders shall be discharged of and from all former assessments made by such company, and it shall be the duty of said receiver to give

~~Notice.~~

notice of such assessment by publishing in some weekly newspaper printed in the city of Detroit, once in each week for three successive weeks, a general notice, stating therein the aggregate amount assessed upon each of the classes in said company; and upon application he shall furnish to any person assessed a statement showing the amount of his assessment;

~~Collection.~~

and in case any stockholders, or person insured, so assessed, shall neglect for thirty days after such publication to pay the amount of such assessment to said receiver, he may sue for the same in the circuit court wherein he was appointed.

and in such cases service may be made upon the persons sued in any county in the State, or at his election the receiver may sue in the circuit court for the county wherein the person assessed, or who is liable to pay such assessment, may reside or be, in an action of debt or assumpsit, in his own name, as receiver of said company; and upon such suit said assessment shall be *prima facie* evidence of the regularity and correctness of all proceedings up to and including the assessment, and of the receiver's right to recover therein the amount assessed, with costs. If the amount realized by such receiver from any class be insufficient to pay the losses and liabilities therein, and the services and expenses aforesaid, he shall proceed to make a second assessment, and such further or other assessments as may be necessary to realize the same, in the same manner and with the like effect as is herein provided for making the first assessment, and shall sue for and collect the same in the same manner. If, after paying the losses and liabilities of such company, or of any class thereof, and the services and expenses aforesaid, there shall remain any funds in the hands of the receiver, the same shall be paid back to the persons assessed in just and equal proportions to the sums contributed and paid by them.

Sec. 22. Such receiver shall keep an accurate account of all moneys or other property received by him, and shall pay over all moneys by him collected, and the proceeds of all personal property *pro rata* upon said losses, after deducting therefrom for his services and expenses (if the court making such appointment shall deem the amount thereof reasonable). The court making such appointment may also require such receiver to give a bond, with sufficient sureties, in such penal sum as such court shall determine, which said bond shall run to the people of the State of Michigan, and be conditioned for the faithful discharge of his duties as such receiver (and be approved by the clerk or judge of said court), and said court may from time to time require such receiver to make a report, and upon

Second  
assessment  
may be made

Surplus  
refunded.

Pay of re-  
ceiver and  
account of  
receipts.

Bond.

Reports.

Final report and discharge from liability the coming in of his final report, showing a full and faithful performance of such trust, may discharge him from all further liability. This act shall be construed as applying to all receivers appointed under the act to which this is amendatory, as well as to receivers which may hereafter be appointed.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 172. ]

AN ACT to establish a State Public School for dependent and neglected children.

Appointment of commissioners to select site, etc.

SECTION 1. *The People of the State of Michigan enact,* That the Governor shall appoint three commissioners, for the purpose of selecting a suitable site and erecting thereon buildings for a State School or temporary home for dependent and neglected children, such institution to be known as the "State Public School."

Powers of commissioners.

Sec. 2. The said commissioners shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose, and they may receive proposals for donations of money or other securities, in behalf of this State, for the benefit of such School, and they may locate the same at such point as they shall deem for the best interests of this State. They shall receive no pay for their services under this act, except their traveling and other official expenses.

Compensation.

That the Governor shall be *ex officio* a member of said board.

Governor ex officio member.

Payment for site and deeds for same.

Sec. 3. That the deeds for such site shall be duly executed to the people of this State and delivered to the Auditor General, and the State Treasurer thereupon is hereby directed to pay, on the warrant of the Auditor General, to such grantor of

whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site: *Provided*, That not over two thousand dollars shall *Proviso*. be paid for that purpose. That said commissioners shall at their first meeting appoint from their number a <sup>Secretary and treasurer.</sup> *secretary and treasurer.*

Sec. 4. That the sum of fifteen thousand dollars for the year eighteen hundred and seventy-two, and fifteen thousand dollars for the year eighteen hundred and seventy-three, is hereby appropriated for the purpose of carrying into effect the provisions of this act, which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and, when collected, shall be passed to the credit of the State Public School fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, approved by commissioners, and countersigned by the Governor.

Sec. 5. It shall be the duty of the secretary of said commissioners to render, quarter-yearly, to the Auditor General, <sup>Quarterly account to Auditor General.</sup> accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed with the Auditor General an estimate and statement, showing the purpose for which such money is required.

Sec. 6. The said commissioners shall have the superintendence of the grounds, and the design and construction of the necessary buildings, with power to appoint an architect, superintendent, and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the Governor; the principal building shall have a capacity for not less than one hundred children. <sup>Superintendence of construction, etc.</sup> <sup>Capacity of building.</sup>

Sec. 7. Said commissioners, before they enter upon the duties <sup>Oath or office.</sup> of their office shall each take and subscribe the constitutional

Bond of  
treasurer.

oath of office, and file the same in the office of the Secretary of State, and the treasurer of said commissioner shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.

Certificate of  
completion.

Sec. 8. When the State Public School shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the Governor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of State Public School building, and until the last day of the session of the Legislature next succeeding such completion, said commissioners shall have the control and government of said State Public School, with the same authority and duties as are given to the board named in section nine of this act.

Appoint.  
of board of  
control.

Sec. 9. The general supervision and government of said State Public School shall be vested in a board of control, to consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, the members of which board shall hold their offices for the respective terms of two, four, and six years, from the last day of the session of the Legislature next after the completion of said State Public School building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal, and altering it at pleasure. That said board

Term of  
office.

Corporate  
name and  
rights.

of control shall have the power of taking and holding by purchase, gift, donation, devise, or bequest, real or personal estate to be applied to the use of the institution.

Sec. 10. It shall be the duty of the members of said board of control to meet annually at the State Public School on the second Wednesday of May in each year, and at said annual meeting they shall elect outside of their own body a treasurer, who shall hold his office for one year, and until his successor shall be elected and qualified. The treasurer of said board of control shall give his bond to the people of this State, in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. It shall be their duty to meet once in four months on their own adjournments, and oftener if they shall deem advisable. They shall establish a system of government, and make all necessary rules and regulations for said School for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual, and moral training of the children in such School. They shall appoint a superintendent and matron for said School, and all other such officers, teachers, and servants as they shall deem best, and prescribe their several duties and fix the compensation for their services, subject to the approval of the Governor.

Sec. 11. There shall be received as pupils in such School those children that are over four and under sixteen years of age, that are in suitable condition of body and mind to receive instruction, who are neglected and dependent, especially those who are now maintained in the county poor-houses, those who have been abandoned by their parents, or are orphans, or whose parents have been convicted of crime. The said board of control shall have power to receive any child under the age of four years or over sixteen years of age, and may reject any between the ages of five and sixteen years of age whom they may for

Reception  
and contin-  
uance of pa-  
pila, and dis-  
cretion of  
board in  
relation  
thereto.

any cause deem improper inmates of such School. No pupil shall be retained in said School after arriving at the age of sixteen years, unless by consent of said board of control.

Maintenance  
and educa-  
tion.

Sec. 12. The children in such School shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training.

Object of act.  
Board to  
provide  
homes for  
pupils in  
families.

Sec. 13. It is declared to be the object of this act to provide for such children only temporary homes until homes can be procured for them in families. It shall be the duty of such board of control to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families on condition that their education shall be provided for in the public schools of the town or city where they may reside.

Board legal  
guardian  
of pupils.

That said board of control are hereby made the legal guardians of all the children who may become inmates of said School with authority to bind out any child to a pursuit or trade during minority, under a contract insuring the child kind and proper treatment and a fair elementary education.

Children not  
to be kept in  
poor-houses.

Sec. 14. That whenever there shall be sufficient room for the reception of the class of children described in this act, in such State Public School, no such children shall hereafter be maintained in county poor-houses. That in receiving such children into such School, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers and sailors of this State.

Soldiers'  
orphans to  
have  
preference.

Superinten-  
dents of poor  
and supervi-  
sors to for-  
ward chil-  
dren.

Sec. 15. It shall be the duty of the superintendents of the poor of each county, and the authority is also granted to the supervisor of any town or ward, to forward to such School, at the expense of the county to which such children belong, such children in any poor-house, or any others that are neglected and dependent, belonging to such county, which children shall be admitted to such School on the certificates of the superintendents of the poor, or on that of any supervisor, showing that such children are entitled to admittance.

Approved April 17, 1871.

[ No. 173.]

AN ACT to provide for the payment of the salaries of the State officers.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Appropriation.</sup> here be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of <sup>Salaries.</sup> the State officers for the year eighteen hundred and seventy-nine, and each year thereafter: For the Governor, one thousand <sup>Governor.</sup> dollars; for the salaries of the Justices of the Supreme Court, <sup>Justices of</sup> two thousand five hundred dollars each; for the salaries of the <sup>Supreme</sup> judges of the Circuit Courts, and the Judge of the Recorder's <sup>court</sup> <sup>Judges, etc.</sup> Court of the city of Detroit, fifteen hundred dollars each; for <sup>State officers.</sup> the salaries of the Auditor General, State Treasurer, Secretary of the Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, eight hundred dollars; for the salaries of the Deputy State Treasurer, and the Deputy Auditor <sup>Deputies..</sup> General, fifteen hundred dollars each; for the salaries of the Deputy Secretary of State, and the Deputy Commissioner of the State Land Office, fourteen hundred dollars each; for the salary of the Deputy Superintendent of Public Instruction, thirteen hundred dollars; for the salary of the private secretary of the Governor, eight hundred dollars; for the salaries of the book-keeper and the draughtsman of the land office, the book-keeper <sup>Book-keep-</sup> <sup>ers.</sup> of the State Treasurer's office, and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, one thousand <sup>Clerks.</sup> dollars; for the salaries of the four regular clerks of the Auditor General, and one regular clerk of the Secretary of State, and one regular clerk of the Commissioner of the State Land Office, one thousand dollars each; for the salaries of all other clerks of the Auditor General, a sum not exceeding one

thousand dollars each ; for the salaries of such additional clerks in the State Land Office, State Treasurer's office, office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding at the rate of one thousand dollars each, per annum, for the time employed;

Compiler of  
Manual. for the payment of the Compiler of the Legislative Manual of eighteen hundred and seventy-one, two hundred dollars, which shall be the only sum paid him, and shall be in lieu of all other compensation for his services.

No other  
compensa-  
tion to  
deputies and  
clerks. Sec. 2. There shall be made no other or further compensation, pay, or allowance to any or either of the deputies or clerks named in section one of this act, than those therein provided, for any services rendered by them, respectively, as such deputies or clerks, or in any other capacity ; and the State Treasurer, the Auditor General, Secretary of State, and the Commissioner of the State Land Office shall each make, or cause to be made on proper application, and without unnecessary delay, all such searches, maps, drawings, plats, abstracts, statements, and certificates as may be reasonably called for by any person or persons, and shall charge, or cause to be charged to, and collected from the applicant, all such fees for the same as shall be proper and compensatory ; and all such fees shall be promptly paid into the State treasury, together with all fees for notarial services and attestations performed or executed by any officer named in this section, or by his deputies, clerks, or employes ; nor shall any money be drawn from the State treasury by any officer named in this bill, or by his deputies, clerks, or employes, in payment for any notarial services or attestations performed or executed by them.

Fees to be  
paid into  
State treas-  
ury.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 174. ]

AN ACT to provide for the appointment of a State Reporter.

SECTION 1. *The People of the State of Michigan enact,* That the Supreme Court shall appoint, as often as any vacancy shall occur, a person of known integrity, experience, and learning in the law, reporter of the decisions thereof, to be called the State Reporter, who shall hold his office during the pleasure of said court. Supreme court to appoint. Term of office.

Sec. 2. The State Reporter, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office before one of the justices of said court, who shall cause the same to be filed in the office of the Secretary of State, and shall give his bond to the State, with two sufficient sureties, to be approved by said court, in the sum of three thousand dollars, conditioned for the faithful performance of his official duties with correctness and impartiality. Bond.

Sec. 3. It shall be the duty of the justices of the supreme court to prepare and deliver to the State Reporter full notes of all decisions made by them in said court which they shall deem of sufficient importance to publish. Supreme court justices to furnish decisions.

Sec. 4. It shall be the duty of the State Reporter to attend each session of the supreme court, and he shall faithfully and truly prepare all such decisions for publication, and, when necessary to a proper understanding of the decision, he shall report therewith a brief statement of the case, and the arguments of the counsel therein. Duties of Reporter.

Sec. 5. As often as the decisions of said court shall be sufficient to constitute a volume of six hundred pages of uniform size with the present supreme court report, it shall be the duty of the State Reporter to cause the same to be printed and bound as soon as practicable, in a good and substantial manner, by the person or firm who shall have the contract for the printing ordered by the Legislature. The copyright of any notes or references made by the State Reporter shall be vested When and by whom reports to be printed. Copyright vested in Secretary of State.

in the Secretary of State, for the benefit of the people of this State.

Number published.  
Where deposited.

When Audit-  
tors may  
allow ac-  
count for  
printing, etc.

Distribution  
by State  
Librarian.

Sec. 6. There shall be published fifteen hundred copies of each of said reports, which shall be deposited with the State Librarian, who shall give his receipt therefor to the publishers. The Board of State Auditors shall allow no account for printing or binding until the Chief Justice of the Supreme Court shall first certify that the work is done in compliance with the requirements of this act. That, when each volume is published, the State Librarian shall distribute one copy each to the offices of the Governor, the Secretary of State, the Auditor General, the State Treasurer, the Commissioner of the State Land Office, and the Attorney General; one copy to each of the justices of the supreme court, and to the circuit judges; one copy to be kept in the office of the county clerk of each county in this State; one copy to the library of the University of the State; one copy to the library of the Agricultural College, and one copy to the library of each of the States and Territories which shall contribute to the library of the State the law reports which shall be published under the authority of such State or Territory.

May exchange.

May sell.

Bond of  
Librarian.

Money re-  
ceived from  
sale paid to  
Treasurer  
monthly.

Sec. 7. The State Librarian may exchange any of said reports for such other reports or law books as shall be approved by the Chief Justice of the Supreme Court, which reports or other books procured by such exchange shall be kept in the State Library for the use of the supreme court. After the publication of any volume under the provisions of this act, the State Librarian may sell the same at three dollars per copy at retail to inhabitants of this State, and at such wholesale price to book-dealers as shall be approved by the Board of State Auditors. The State Librarian shall give a bond in the penal sum of five thousand dollars to the State, conditioned for the faithful performance of the duties imposed by this act. He shall keep an account of all moneys received by him for said reports, and shall pay the same monthly to the State Treasurer, who shall credit the same to the general fund.

Sec. 8. That the State Reporter shall receive an annual salary of one thousand five hundred dollars, which shall be in full for all services and assistance, also the actual and necessary expenses incurred by him in attending the session of the supreme court, which salary and expenses shall be paid quarterly upon warrant of the Auditor General upon the State Treasurer, approved by the Chief Justice of the Supreme Court, and shall be paid out of the general fund. Whenever any State Reporter shall be removed from office, his successor in office shall have the right of possession of all papers in the hands of such Reporter by virtue of his office.

Sec. 9. That sections four thousand and thirty-three, four thousand and thirty-four, four thousand and thirty-five, four thousand and thirty-six, four thousand and thirty-seven, four thousand and thirty-eight, four thousand and thirty-nine, four thousand and forty, four thousand and forty-one, four thousand and forty-three, four thousand and forty-four, four thousand and forty-five, and four thousand and forty-six, of the compiled laws, also an act entitled "An act to amend section seventy-two, of chapter one hundred and nineteen, being section four thousand and forty-two of the compiled laws," approved March twenty-seventh, eighteen hundred and sixty-seven, are hereby repealed.

Sec. 10. This act shall take effect on the first day of January, eighteen hundred and seventy-two.

Approved April 17, 1871.

[ No. 175. ]

**AN ACT** to amend an act entitled "An act relative to the letting of contracts by State officers, boards of control, inspectors, or commissioners," being act one hundred and seventy-one, of session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one.

**SECTION 1.** *The People of the State of Michigan enact, That in act entitled "An act relative to the letting of contracts by*

*Act amended.*

State officers, boards of control, inspectors, or commissioners," being act one hundred and seventy-one, of session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

**Bidders for contract to give bonds.** SECTION 1. That it shall be the duty of each and every State officer, Board of State Auditors, board of control, inspectors, or commissioners of any public improvement, work, building, or institution, acting for the State, to require of all and every person bidding for any contract, by them or any of them to be let or made, such good and sufficient security as they may require, not less than one-fourth the sum total of the amount of the estimated cost of said contract, or the work to be performed under it, conditioned so as to secure the State from loss or damage which may arise by reason of the withdrawal of the bid or bids by such person or persons made before the time for entering into or making of the contract by them offered to be made; and in case any person or persons shall make any bid or sealed proposal for the performance of any work, labor, furnishing materials, or contract to be made with any such State officer, State Auditors, board of control, inspector, or commissioner, it shall not be lawful for such person or persons to withdraw, cancel, alter, or amend the same after it shall have been thus made, deposited, and filed with any such State officer, or other person duly authorized to receive the same, previous to the time appointed for opening the same. After the opening of said bids and letting such contract, the State officer or other person holding the same shall continue so to keep the same, and the securities filed therewith, and if such bid shall be lowest, it shall be considered a lawful bid or proposal, and treated as other bids and proposals are required by law to

**Proceedings when builders refuse to enter into contract.** be treated; and if any such person or persons shall fail to enter into any contract, as contemplated by such officer in the advertisement or other information therefor, or by the terms of the bid or proposal so received, or shall refuse to execute and ful-

fill the same, it shall be the duty of such State officer, or Board of Auditors, member of board of control, inspector, or commissioner to immediately prosecute such person or persons, and the person or persons giving such bond or security, and to recover such damages thereon as may be adjudged by any court of this State; and all money so recovered from such <sup>Disposition of damages recovered.</sup> person or persons, or any other person or persons, as sureties or bondsmen with said principal or principals, shall be paid into the State treasury, after deducting costs of suit, and be credited to the general fund: *Provided*, When any such forfeiture shall <sup>Proviso.</sup> be made to any public institution, building, asylum, or public work, the damages or moneys so recovered shall be credited by the State Treasurer to the said institution, building, asylum, or public work named in such advertisement, bid, or proposal, or for which the same was intended to be made: *And provided further* <sup>proviso.</sup> *further*, That said person or persons, or board of officers, shall have the right to reject any of said bids or proposals, if in their judgment the public interest will be subserved thereby.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 176. ]

AN ACT to amend section twenty-five, of chapter one hundred and forty, of the compiled laws, as amended by act number one hundred and fifty-nine, of the session laws of eighteen hundred and sixty-nine, approved April fifth, eighteen hundred and sixty-nine, being "An act to authorize proceedings against garnishees, and for other purposes."

SECTION 1. *The People of the State of Michigan enact*, That <sup>Section amended.</sup> section twenty-five, of chapter one hundred and forty, of the compiled laws, as amended by act number one hundred and fifty-nine, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to authorize proceedings

against garnishees, and for other purposes," approved April fifth, eighteen hundred and sixty-nine, be amended so as to read as follows:

~~Corpora-  
tions liable  
as garnishees~~

~~Service of  
summons.~~

~~Answer.~~

~~Failure to  
answer sub-  
jects to pay-  
ment of  
judgment  
against  
defendant.~~

~~Judgment  
against  
corporation.~~

~~Appeal.~~

Sec. 25. Corporations (whether foreign or domestic), other than municipal, may be proceeded against as garnishees, in the same manner and with the like effect as individuals under the provisions of this act and the rules of law regulating proceedings against corporations, and the summons against the garnishee in such case may be served on the president, cashier, secretary, treasurer, general or special agent, superintendent, or other principal officer of such incorporation, and it shall be the duty of such officer so sued, or of the proper officer of such corporation having knowledge of the facts, to appear before the justice at the return day of such summons; or in case such corporation has its business office in any township other than that in which said justice holds his office, to answer at his option, in writing, verified by his oath, before some person authorized to administer oaths, and transmit the same, by mail or otherwise, to the justice issuing said summons, on or before the return day thereof, which shall be deemed a sufficient compliance with such summons; and unless he shall so appear or so answer, such corporation shall be held to be indebted to the defendant on the original suit to the amount of any judgment that may be made against such defendant in said original suit, unless within three days after the return day of such summons such corporation shall, by such officer, show a sufficient reason, to the satisfaction of the justice, for not appearing to answer such summons, and shall then appear and answer said summons; and the justice shall thereupon, on the third secular day, render judgment against such corporation as against other garnishees for the amount of such debt, and with like effect; but on such cause shown, such officer may be examined as other garnishees, and with like effect, as against the corporation he represents. Such corporation, or the plaintiff in such suit, may appeal from such

judgment rendered under this section, to the circuit court of the proper county, in the same manner as appeals may be taken from any other judgment of a justice of the peace, where the liability of such corporation as such garnishee may be fully enquired into: *Provided*, As provided by law, that *Proviso*. when such corporation shall wish to appeal, in cases where they have not answered as garnishees, they shall, in addition to the other requirements of law, file with the justice a full <sup>Answer on appeal.</sup> and complete answer, in writing, as such garnishee, verified by the oath of one of the officers having knowledge of the facts, which said officer shall also answer, under oath, all questions put to him by such justice relating to the matter of such suit; and thereupon the said justice shall, within the time required for making such return of such appeal, at the option of the plaintiff, either make such returns or set aside the judgment rendered against the said corporation, by entry thereof upon his docket and across the face of such judgment, in which <sup>Return of appeal, or setting aside of judgment.</sup> event the said corporation, if they have not already paid all the costs in such suit, shall be liable for the same.

Sec. 2. Act number one hundred and fifty-nine, of the laws <sup>Act repealed.</sup> of eighteen hundred and sixty-nine, approved April fifth, eighteen hundred and sixty-nine, is hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 177. ]

AN ACT to create a Board of State Swamp Land Commissioners, and to repeal act number seventy-six, of the session laws of eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Appointment.</sup> the Governor shall appoint two commissioners, who shall be denominated "The Board of State Swamp Land Com- <sup>Name of board.</sup>

**Term of office, salary, clerk, etc.** commissioners." They shall hold their office for two years, unless removed by the Governor, and shall receive a salary at the rate of one thousand dollars per annum each, which shall be in full for all services except reasonable expenses, and one clerk, stationery for the office, and necessary printing.

**Location of office.** Sec. 2. The office of the Commissioners shall be kept in that of the Commissioner of the State Land Office, who is hereby required to furnish to said Commissioners the necessary room for the transaction of the business of their office.

**How clerk employed.** Sec. 3. The said Commissioners are hereby authorized, if necessary, to employ a clerk on the terms and conditions now prescribed for the employment of clerks in the State Land Office.

**Records, etc.** Sec. 4. The said Commissioners shall provide suitable books of account and records, in which shall be kept the accounts of the said Commissioners with all contractors, a complete record of the transactions of said Commissioners under the provisions of this act, and shall properly care for all contracts, profiles, diagrams, surveys, letters, requests, applications, letters and memorandums of information relating to the construction of any or all State swamp roads.

**Oath of office and bond.** Sec. 5. The said Commissioners shall, before entering upon the duties of their offices, take the oath prescribed by the constitution, and file said oath, together with a bond in the sum of two thousand dollars, in the office of the Secretary of State, which bond shall be approved by the Board of State Auditors, and shall be signed by not less than two sureties, and shall be conditioned for the faithful discharge of the duties of such office by the said Commissioners.

**Removal from office.** Sec. 6. Whenever it shall be made to appear to the Governor of the State of Michigan that the said Commissioners, or either of them, have failed to properly and faithfully discharge the duties of their office, he shall remove them, or either of them, as the case may be.

Sec. 7. In case any of the above named Commissioners shall fail to qualify by July first, eighteen hundred and seventy-one, or if at any time a vacancy shall occur, the Governor shall fill the said board by appointment, filed in the office of the Secretary of State.

Sec. 8. A majority of said board shall have power to perform any duties devolving upon the board under the provisions of this act.

Sec. 9. The said board shall report to the Governor of the State, on or before December first of each year, which report shall present a complete exhibit of their proceedings under the provisions of this act.

Sec. 10. The Board of Control, as the same has heretofore been constituted, shall have full power and authority, except as may be otherwise provided by the Legislature, over the swamp and indemnity lands of the State, over the State swamp roads and other roads laid out and constructed under the State authority, and over the expenditure of swamp lands or the proceeds thereof in the construction of State roads, drains, and ditches, and all expenditures of swamp and indemnity lands for drainage purposes. They shall have power, and it shall be their duty, whenever in their judgment the public interest require it, to suspend the surveys or operations on any of said roads, or those of any road to be hereafter constructed, and to direct re-surveys, with a view to selection of more fit and convenient localities; and for the purpose of equalizing the distribution of State aid in the more unsettled portions of the State, and connecting lines of roads already built, they shall have power, a majority of their number concurring therein, to survey, lay out, and establish new lines of road; to direct from time to time what work shall be commenced, suspended, or discontinued; and whenever by the suspension of work on, or the discontinuance of any road, the appropriation therefor shall have become unnecessary, they shall have power to apply the same on other lines of road, as in their judgment the

Powers and  
duties of  
Board of  
Control,  
relative to  
lands and  
roads.

Proviso. public interests may require: *Provided*, The aggregate amount expended on any line of road shall not exceed six hundred and forty acres per mile, unless otherwise provided in the act under which said road is constructed. They shall also have power to extend the time for completing the work of any contract, and to correct all errors, whether of description or otherwise; and this proviso shall be embodied in every contract under this act. Said commissioners shall possess all of the powers vested in and duties imposed on the Swamp Land State Road Commissioner by act seventy-six, session laws of one thousand eight hundred and sixty-seven, and act amendatory thereto, as far as relates to swamp and indemnity lands and State swamp land roads in the Lower Peninsula.

Appropriation of land Sec. 11. To provide for and secure the construction of such roads as the said Board of Control shall determine to lay out and establish, there is hereby appropriated one section of State swamp or indemnity land, of six hundred and forty acres each, to each mile of said roads, to be used and disposed of in the construction of said roads according to the provisions of this act and act one hundred and seventeen, session laws eighteen hundred and fifty-nine, and acts amendatory thereto.

Commissioners to act on the determination of Board of Control. Sec. 12. All roads which the said Board of Control shall determine to lay out and establish under the provisions of this act, shall be laid out and established by the Board of Commissioners in the same manner as is provided for by act number one hundred and seventeen, session laws one thousand eight hundred and fifty-nine, and acts amendatory thereto, as far as the same is not inconsistent with the provisions of this act.

Application of this act. Sec. 13. The provisions of this act shall apply to all expenditures of State swamp lands for drainage or reclamation of State swamp lands in the Lower Peninsula authorized by existing laws, or hereafter to be made, the said Board of Control and Commissioners being vested with all powers in regard thereto which are now vested in the Swamp Land State Road Commissioner and Board of Control.

Sec. 14. Every contract made by said Board of Commissioners shall contain a provision, that no deficiency of swamp lands shall be so construed as to create any lien or establish any claim against the State, except as to the lands above appropriated.

Sec. 15. The expenses accruing under the provisions of this act shall be paid by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury belonging to the State swamp land fund, and if at any time the swamp land fund shall become exhausted, said expenses shall be paid out of the swamp land interest funds.

Sec. 16. Act number seventy-six, of the session laws of eighteen hundred and sixty-seven, being an act to provide for the appointment of a Commissioner, to be known as the Swamp Land State Road Commissioner, be and the same is hereby repealed.

Sec. 17. But nothing contained in this act shall be construed as authorizing the appropriation of any lands in the Upper Peninsula to aid in constructing roads in the Lower Peninsula, or in any way impairing the powers of the Swamp Land State Road Commissioner of the Upper Peninsula.

Sec. 18. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 178.]

AN ACT to provide for the appointment of a suitable person commissioner to draft and prepare a bill for the organization of cities and villages by a general law, as contemplated by article fifteen, section thirteen, of the constitution.

SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for the Governor of this State to appoint a suitable person as special commissioner to draft and prepare suitable bill or bills for the organization of cities

Bill submitted to Legislature.

Compensation.

and villages by general law, as contemplated by section thirteen, article fifteen, of the constitution of this State, and submit the same to the Legislature for its action at its next session.

Sec. 2. The said commissioner shall be paid the sum of five hundred dollars, to be paid on the order of the Governor, by the State Treasurer, on the warrant of the Auditor General.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 179. ]

AN ACT to amend sections one, three, four, five, six, eight, and nine, and repeal sections two and seven of an act entitled "An act to provide for the further geological survey of the State," approved March twenty-sixth, eighteen hundred and sixty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, four, five, six, eight, and nine, of an act entitled "An act to provide for the further geological survey of the State," approved March twenty-sixth, eighteen hundred and sixty-nine, be amended so as to read as follows:

Board constituted.

Assistants.

SECTION 1. *The People of the State of Michigan enact*, That the Governor, Superintendent of Public Instruction, and the president of the State Board of Education shall constitute a Board of Geological Survey. They shall control and supervise the continuance and completion of the geological survey of the State; and for that purpose they may from time to time appoint such person or persons to assist in making said survey as may be deemed necessary; the length of time, and the location and locations where said persons shall be employed, shall be determined by said board.

Assistants' salaries.

Sec. 3. The salary of the persons employed in the survey shall be fixed by the board, and shall be payable only for ser-

vices actually rendered. Such board shall regulate all expenses Reports. incident to the survey, and may require such frequent reports as they may think useful.

Sec. 4. It shall be the duty of said board to make, or cause <sup>Character of survey.</sup> to be made, a thorough geological and mineralogical survey of the State, embracing a determination of the succession and arrangement, thickness, and position of all strata and rocks, their mineral character and contents, and their economical uses; an investigation of soils and subsoils, and the determination of their character and agricultural adaptation; the investigation of all deposits of brines, coal, marl, clay, gypsum, lime, petroleum, and metals and metallic ores, building stone, marble, grit-stone, materials for mortar and cement, mineral paint, and all other productions of the geological world within the limits of this State capable of being converted to the uses of man.

Sec. 5. It shall be the duty of said board to cause ample <sup>Specimens for exhibition.</sup> materials to be collected for the illustration of every department of the geology and mineralogy of the State, and to label, arrange, and prepare the same for exhibition in suitable cases in the museums of the State University, Agricultural College, and State Normal School, and in each of the incorporated colleges of the State, and in a room in connection with the State Library.

Sec. 6. It shall be the duty of said board to furnish an annual <sup>Annual report and occasional statement.</sup> report of the progress of the survey, and, as often as possible, a condensed statement of important and interesting facts for general circulation, and, as soon as the progress of the work will permit, to begin, and on the completion of the survey, to <sup>Complete report at close of work</sup> finish a complete memoir upon the geology of the State, embracing such an account of all its mineral and agricultural resources as is usual in works of that character, and a delineation of its geology upon the map of the State, and such other diagrams and illustrations as may be needed to set forth in a creditable, intelligible, and, as far as possible, popular manner,

**Proviso.** the nature, location, and extent of the geological and agricultural resources of the State: *Provided*, Such report, when complete and printed, shall consist of not exceeding three octavo volumes: *And provided further*, That said volumes shall not contain, in any considerable extent, compilations and extracts of or from books heretofore published.

**All notes, collections, etc., property of State.** Sec. 8. All notes, memoranda, compilations, collections, specimens, diagrams, and illustrations that may be made in the progress of such survey, by the person or persons engaged therein, shall be the property of the State, shall be under the control of the board, and, in case of the death or termination of connection with such survey of any such person or persons shall be deposited in the office of the Superintendent of Public Instruction, subject to the order of the board.

**Appropriation to meet expenses.** Sec. 9. To carry into effect the provisions of this act, the sum of eight thousand dollars for each year, until the completion of said survey, is hereby appropriated, to be drawn from the treasury as needed, on the warrants of the Governor, which appropriation shall be in full for all expenditures under this act, exclusive of the printing of the reports.

**Sections repealed.** Sec. 2. Sections two and seven of an act entitled "An act to provide for the further geological survey of the State," approved March twenty-sixth, eighteen hundred and sixty-nine, are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 180.]

AN ACT to amend sections one, seventeen, and thirty-three, of act number one hundred and eighty-eight, of the session laws of eighteen hundred and sixty-one, entitled "An act to reorganize the Agricultural College of the State of Michigan," and to establish a State Board of Agriculture.

SECTION 1. *The People of the State of Michigan enact,* That <sup>sections amended.</sup> sections one, seventeen, and thirty-three, of act number one hundred and eighty-eight, of the session laws of eighteen hundred and sixty-one, be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That <sup>Board con-</sup> <sup>stituted and</sup> <sup>name.</sup> a board is hereby constituted and established, which shall be known under the name and style of "The State Board of Agriculture." It shall consist of six members, besides the Governor of the State and the president of the State Agricultural College, who shall be *ex-officio* members of the board. <sup>Manner of nominating and appointing mem-</sup> <sup>bers.</sup> At their annual meetings in the fall of the year eighteen hundred and sixty-two, and every second year thereafter, each county agricultural society in the State may nominate a person for member of the board, and from the persons so nominated, the Governor, by and with the consent of the Senate, on or before the third Wednesday of January of each biennial session, shall appoint two members of the board to fill the vacancies that shall next occur, which vacancies shall be so filled that at least one-half of the appointed members of the board shall be practical farmers. The certificate of the president and secretary of any county agricultural society, that such society is legally organized, and has held at least two annual fairs, shall be evidence to the Governor of their right to nominate a member for the board. Any other legally organized agricultural society, that embraces at least ten townships of land, shall be entitled to the provisions of this act.

Sec. 17. The academical year shall consist of not less than <sup>Academical</sup> nine calendar months. This academical year may be divided <sup>year.</sup> into such terms, by the State Board of Agriculture, as, in their

Temporary suspension of College.

Purpose of farm operations.

Annual report.

judgment, will best secure the objects for which the College was founded; the board may, at any time, temporarily suspend the College in case of fire, the prevalence of fatal diseases, or other unforeseen calamity.

Sec. 33. All agricultural operations on the farm shall be carried on experimentally, and for the instruction of the students, and with a view to the improvement of the science of agriculture in the State of Michigan. To this end, the State Board of Agriculture shall cause to be published in their annual report:

*First.* A statement of the number of fields under cultivation on the College farm, their number as recorded on the farm plat, with the number of acres of arable land in each field, the kinds of crops raised, the number of acres of each kind, and the number of the field on which they were raised;

*Second.* The manner of preparation of the soil for the various crops, methods of seeding or planting, kind and variety of seed used, manner of cultivation, and harvesting;

*Third.* The several kinds, and a description of all implements used in the various stages of the different crops, with reports on their utility and adaptation for the purposes used:

*Fourth.* The time of preparation of the soil, sowing, planting, cultivating, and harvesting, and a general statement of the weather, and its influence upon the several crops;

*Fifth.* The kinds of manures used, and crops and fields, or parts of fields, to which they were applied, the time and manner of application, and the several results;

*Sixth.* A detailed and systematic account of the number of days' work, of ten working hours each, of men and teams, in the production of each separately treated crop, said statement of labor to be in three divisions: first, up to the time the seed is deposited in the ground; secondly, during cultivation; thirdly, while harvesting and fitting the crop for market;

*Seventh.* A full and accurate statement of the yield per acre, by weight or measure, of all crops raised on the farm, distinguish-

ing between the several kinds of treatments, as to manures used, depth of plowing, difference of cultivation, time of harvesting, kind or variety of seed used.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 181. ]

AN ACT to repeal section three of an act entitled "An act to provide for the payment of bounties by the State Treasurer upon the warrant of the Auditor General."

SECTION 1. *The People of the State of Michigan enact,* Section repealed.  
That section three of an act entitled "An act to provide for the payment of bounties by the State Treasurer upon the warrant of the Auditor General," be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 182. ]

AN ACT to provide for the better security of mechanics and other persons furnishing labor or materials for the erection, altering, repairing, beautifying, or ornamenting of buildings in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That Laborers,  
etc., shall  
have lien on  
premises.  
every mechanic, workman, or other person, who shall hereafter, in conformity with the terms of the contract between the owner or lessee of any lot or piece of ground, or his agent, and the original contractor or any sub-contractor, perform any labor,

or furnish any materials in building, altering, repairing, beautifying, or ornamenting any house or other building, or machinery, or appurtenances to any house or other building, in this State, shall have a lien for the value of such labor and materials upon such house or building and appurtenances, and upon the lot of land upon which the same stands, not exceeding one-quarter of a section, including such building, to the extent of the right, title, and interest of such owner or lessee, at the time of the making the original contract for such house or the improvements; but the aggregate of all the liens hereby authorized shall not exceed the price stipulated in the original contract between such owner or lessee and the original contractor, for such improvements; in no case shall the owner or lessee be compelled to pay a greater sum for or on account of such house, building, or other improvement, than the price or sum stipulated in said original contract or agreement.

Notice of  
lien to pro-  
prietor.

Copy of sub-  
contract part  
of notice.

When served

Proceedings  
in absence of  
proprietor.

Sec. 2. The person performing such labor, or furnishing such materials, shall cause a notice, in writing, to be served on such owner or lessee, or his agent, substantially in the following form: "To ——: You are hereby notified that I am (or have been) employed by ——, as a laborer (or have furnished materials, or am about to furnish materials) on or for your house, or building, and that I shall hold the house, building, and your interest in the ground, liable for my services thereon (or materials furnished)." If there shall be a contract, in writing, between the original contractor and the sub-contractor, or between the original contractor and the person so performing labor or furnishing materials as aforesaid, a copy of such sub-contract, if the same can be obtained, shall be served with such notice and attached thereto, which notice shall be served within twenty days from the completion of such contract, or within twenty days after payment should have been made to the person performing such labor or furnishing such material.

Sec. 3. In all cases where the owner or lessee, or his or their agent, cannot be found in the county in which said improve-

ments shall be made, or shall not reside therein, the person furnishing labor or materials shall file said notice in the office of the register of deeds of said county, and the said register shall enter, in a book kept by him for that purpose, alphabetically, the names of the owners or lessees, and opposite thereto, the names of the persons claiming liens, for which he shall receive a fee of fifty cents from such person filing said claim. A copy of said notice shall be published, at the expense of the claimant, in some newspaper printed in said county, once in each week for four successive weeks after filing such notice with the register aforesaid. If, however, there shall be no paper published in said county, then the claimant of said lien shall post notices of his claim for four successive weeks, in four of the most public places in the township in which said improvement is situated, but it shall not be necessary to publish or post copies of any contract referred to in the last preceding section.

Sec. 4. The original contractor shall, as often as requested, in writing, by the owner or lessee, or his agent, make out and give to him a statement of the number of persons in his employ, and sub-contractors, giving their names and the rate of wages or terms of contract, and how much, if anything, is due to them, or any of them, which statement shall be made under oath, if required.

Sec. 5. If the money then due and payable to such person shall not be paid within ten days after service of said notice as aforesaid, or if such money shall not be so due and payable, then within ten days after the money shall become due and payable, and if the amount claimed by such person shall be admitted in writing to be due him by the contractor or sub-contractor by whom said money is directly payable, then such person may commence suit therefor in any court having jurisdiction of the amount claimed to be due against the owner or lessee, as if he were the original debtor, and judgment may be rendered, and execution had thereon, as in other cases. If the

Proceedings amount so claimed to be due shall not be admitted by the contractor or sub-contractor directly liable to pay the same, then within ten days after service of said notice as aforesaid, or within ten days after said money has become due and payable, the claimant may commence suit therefor before any court of competent jurisdiction, against the owner or lessee and the contractor directly liable to pay the same, jointly, and judgment may be rendered, and execution may be had thereon, as in other cases: *Provided however,* That when any judgment may be rendered against any owner or lessee, or against any owner or lessee and contractor, jointly, such owner or lessee may show to the court the amount actually due and payable from such owner or lessee to such contractor at the time said suit was commenced, and the court shall cause the amount so shown to be due to be entered upon the records thereof, and whenever execution shall issue for the collection of said judgment, the amount so shown to be due from said owner or lessee shall be endorsed on such execution, and no greater sum shall be collected of such owner or lessee than the amount so endorsed: *Provided further,* That when judgment shall be rendered against said owner or lessee upon any claim admitted in writing by any contractor as aforesaid, such owner or lessee shall be solely liable to pay the costs of said suit: *And also provided further,* No judgment against such owner or lessee shall be a bar to any suit brought for the amount of said claim, or any portion thereof remaining unpaid, against the contractor directly liable to pay the same to said claimant.

Proviso.

Second proviso.

Third proviso.

Proceedings for collection of liens when contract is not completed.

Sec. 6. Should the original contractor, for any cause, fail to complete his contract, any person entitled to a lien, as aforesaid, may file his petition in any court of record, against the owner or lessee and contractor, setting forth the nature of his claim, the amount due, as near as may be, and the names of the parties employed on such house, or other improvement, subject to liens; and notice of such suit shall be served on the persons therein named, and such as shall appear shall have

their claims adjudicated, and decree shall be entered against the owner or lessee and original contractor, for so much as the work and material shall be shown to be reasonably worth, according to the original contract price, first deducting so much as shall have been rightfully paid on said original contract by the owner or lessee, the balance to be divided between such claimants in proportion to their respective interests, to be ascertained by the court, the premises to be sold within thirty days from the date of such decree, unless the judgment shall be sooner paid.

Sec. 7. No payments to the original contractor, or to any sub-contractor, by such owner or lessee, shall be regarded as rightfully made, if made in violation of the rights conferred by this act.

Sec. 8. The lien hereby created shall continue for six months from the time of the performance of the sub-contract, or doing of the work, or furnishing materials, as aforesaid, except where suit shall be commenced as aforesaid, and in such cases all liens shall be barred by decrees entered in said case.

Approved April 17, 1871.

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[ No. 183. ]

**AN ACT** to amend section four, of act number one hundred and nineteen, of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the incorporation of savings associations," approved April fifth, eighteen hundred and sixty-nine, and to add five new sections thereto, to stand as sections twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six.

**SECTION 1.** *The People of the State of Michigan enact,* That section four, five, of act number one hundred and nineteen, of the session laws of eighteen hundred and sixty-nine, being an act to provide for the incorporation of savings associations, approved April third, eighteen hundred and sixty-nine, be so amended as to read as follows:

Relative to  
deposits,  
interest, and  
loans.

Sec. 4. Such association, when so organized, shall have power to receive deposits of money and pay interest on the same at such rates as shall be agreed upon, but in no case exceeding seven per cent per annum, and may loan such deposit money upon real estate security, upon United States stocks, upon the stocks of the State of Michigan, or upon any bonds issued by the county in which such association is located, or upon bonds of any city or school district in said county.

Loans on  
personal  
security.

Intent of  
this act.

Sec. 5. It shall not be lawful for any association formed under this act to loan money on any personal security to an amount in the aggregate exceeding their own cash capital which shall have been paid in on their own stock, and shall remain unimpaired, and exclusive of all that shall have been invested in office furniture and fixtures or real estate, it being the true intent and meaning of this act to limit the loaning of any moneys to be deposited in any such association to productive unencumbered real estate security, or United States stocks, or Michigan State stock security, or upon bonds issued by the county in which such association is located, or upon bonds of cities or school districts in said county.

Sections  
added.

Sec. 2. The following sections shall be added to such act, to stand as sections twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six:

Increase of  
capital stock

Sec. 22. Any association organized under this act is hereby authorized and empowered to increase the capital stock of said bank, from time to time, to an amount not exceeding two hundred thousand dollars.

How and  
when made.

Sec. 23. Such increase shall only be made upon a vote of two-thirds of the capital stock at the annual meeting, or at a special meeting of the stockholders called for that purpose, in which case written notice thereof shall be given at least ten days previous to said meeting, or by an advertisement in the newspapers published in the county where the association is located, specifying the time, place, and object of such meeting.

Sec. 24. Whenever any such increase shall be made, the board of trustees shall certify thereto, under their hands, and acknowledge the same before some officer authorized to take the acknowledgment of deeds, and shall cause a copy thereof to be filed with the Secretary of State and with the clerk of the county in which the association is located, who shall attach the same to the articles of incorporation now on file in their respective offices.

Sec. 25. The officers and stockholders of every corporation or association formed under this act shall be individually liable for all debts contracted to the savings depositors thereof during the term of their being officers or stockholders of such corporation or association, equally and ratably, to the extent of their respective shares of stock in any such corporation or association.

Individual  
liability of  
stockhold  
ers, etc.

Sec. 26. In case of the insolvency of any savings association formed under the provisions of this act, the savings depositors thereof are hereby declared preferred creditors.

Preferred  
creditors.

Approved April 17, 1871.

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[ No. 184. ]

AN ACT to authorize the establishment of a house of correction in the county of Jackson.

SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for the board of supervisors of the county of Jackson to raise by tax, or by borrowing upon the credit of the county, or partly by tax and partly by borrowing, such sum or sums, not exceeding in the aggregate one hundred thousand dollars, for the purpose of erecting within the said county, at such place as the board of supervisors may select, a house of correction, to be used for the confinement, pun-

Board of  
supervisors  
may raise  
\$100,000 and  
select site.

Purpose for which it is to be used. ishment, and reformation of criminals or persons sentenced thereto under the provisions of this act, or of any law of this State authorizing the confinement of convicted persons in the said house of correction: *Provided however,* That the electors of said county shall, upon a submission of the question by the said board of supervisors, have first voted affirmatively to raise by tax or borrow the said moneys.

Proviso. Management and direction Sec. 2. The management and direction of the said house of correction, subject to periodical inspection by the State authorities, in their discretion, shall be under the control and

Board of inspectors. authority of a board of inspectors, to be appointed for that purpose by said board of supervisors; but the chairman of the board of inspectors of the State Prison, and the Governor of this State, shall be *ex-officio* members of said board. The term of office of the appointed members of such board shall be three years, but the members first appointed shall be one for one year, one for two years, and one for three years, and thereafter one member shall be appointed each year for the full term of three years; and the said board of supervisors shall have power to fill any vacancies which may occur among the appointed members of said board for the unexpired term.

Term of office. Powers and authority of board of supervisors, superintendent, and deputy superintendent relative to management, etc. Sec. 3. The powers and authority of the said board of supervisors, and the powers and duties of the superintendent and deputy superintendent they may appoint, shall be in all respects like and similar for the said house of correction, to those granted to the board of inspectors and prescribed for the superintendent and deputy superintendent of the Detroit house of correction for that institution, and in all cases when, by law, it is required of said last named board to ask or obtain the sanction or approval of the common council of the city of Detroit, it shall be necessary for the board authorized by this act to ask and obtain the sanction and approval of the said board of supervisors; and the said board of supervisors and the officers of the county of

Jackson shall possess the like powers for the visiting of said house of correction, the inspection of its accounts, and investigation as to its management, as are passed by law by the common council and officers of the city of Detroit in the government of the said house of correction in that city. All rules established by any law of this State for the keeping of accounts, for the making of reports, and the transmission and publication of the same in and for the Detroit house of correction are hereby declared applicable, so far as may be, to the house of correction authorized by this act.

Sec. 4. From and after the time when the inspectors authorized by this act shall certify the said house of correction is so far completed as to be in a proper condition for the reception of prisoners, and the publication of such certificate in one or more newspapers published in the city of Jackson, it shall be the duty of every court or magistrate in the said county of Jackson, authorized by law to sentence or commit any person to the common jail of said county as vagrants, common drunkards, disorderly persons, common prostitutes, or for assault and battery, larceny not a State Prison offense, or in the judgment of the court not requiring the offender to be sent to the State Prison, or other offenses punishable by imprisonment in the county jail, or by virtue of any final sentence of conviction, except for contempt, to sentence such person to be confined in the said house of correction, there to be received, kept, and employed according to law, under the rules and regulations of said house of correction; and it shall be the duty of all officers having the execution of the final process of any court, or magistrate sentencing convicted persons to said house of correction, to cause such convict to be conveyed forthwith to said house of correction, and such officer or officers shall be paid therefor the fees allowed by law for conveying persons to the county jail; but this section shall not apply to those juvenile offenders who may by law be sent to the Reform School at Lansing, nor shall it apply to offenders sentenced

Accounts  
and reports.

Notice of  
completion.

Who shall be  
sentenced  
thereto.

Officers to  
convey  
convicts  
thereto, and  
fee for same.

Exception in  
case of cer-  
tain juvenile  
offenders.

**Exception as to city of Jackson.** for an infraction of the ordinances of the city of Jackson, until after the common council of said city shall have made an agreement with the board of supervisors of said county for the reception and keeping of such class of offenders.

**Agreements for the keeping of convicts from any county in the State.** Sec. 5. The board of supervisors of any organized county in this State shall have full power and authority to enter into an agreement with the board of supervisors of the county of Jackson, or with any authorized officer or agent on behalf of such last named county, to receive and keep in the said house of correction for Jackson county any person or persons who may be sentenced to confinement by any court or magistrate in any of said counties, for any term not less than thirty days in the counties adjoining Jackson county, and not less than sixty days in the other counties of this State. Whenever such agreement shall have been made, it shall be the duty of boards of supervisors to publish the like notices of such agreement, and of the courts and magistrates of such counties to make the like sentences to said house of correction for Jackson county, of sheriffs, constables, and other officers to perform the like duties for the like fees and allowances as are provided by law when agreement shall have been made with the common council of the city of Detroit.

**Penalty for attempt to escape.** Sec. 6. Every person lawfully committed to said house of correction, who shall escape from, or break said house of correction, with intent to escape therefrom, or shall attempt by any force or violence, or in any other manner, to escape from said house of correction, whether such escape be effected or not, be punished by confinement in said house of correction for a term not exceeding double the term for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence.

**Record of conduct.** Sec. 7. The superintendent of said house of correction shall cause to be kept a record of each and all infractions of the rules and discipline of said house of correction, with the names of the convict or convicts offending, and the date and char-

acter of each offense; and every convict sentenced for one or more years, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence for each month they shall continue to obey all the rules of said house of correction.

Approved April 17, 1871.

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[ No. 185. ]

AN ACT to amend section one of an act entitled "An act relative to laying out, altering, and discontinuing highways," approved March fifteenth, eighteen hundred and sixty-one.

**SECTION 1.** *The People of the State of Michigan enact,* That section amended.  
section one of an act entitled "An act relative to laying out, altering, and discontinuing highways," approved March fifteenth, eighteen hundred and sixty-one, be amended so as to read as follows:

**SECTION 1.** *The People of the State of Michigan enact,* Relative to laying out, etc., in townships.  
That whenever any seven or more freeholders of any township shall wish to have a highway in any part of said township, not included within the corporate limits of any city or village, laid out, altered, or discontinued, they may, by writing, under their hands, make application to the commissioner of highways of the township for that purpose, who shall thereupon proceed to determine and act upon such application, and lay out, alter, or discontinue such highway, or any part thereof, as hereinafter provided; and whenever any five or more freeholders of each of any adjoining municipal corporations, other than adjoining townships, shall wish to have a highway or any boundary line between such corporations laid out, altered, or discontinued, they may, in like manner, make application for that purpose to the corporate authorities of either of such municipal cor- Relative to laying out, etc., on line between cities and villages.

porations having by law jurisdiction of matters pertaining to laying out, altering, or discontinuing highways; and upon such application being made, the officers to whom it was presented shall immediately notify the like officers of the other corporations interested, of the time and place when and where they will meet such officers to consider, determine, and act upon such application, which time shall not be more than ten days from the time of the presentation of such application; and such several corporate authorities shall thereupon proceed jointly to consider, determine, and act upon such application as hereinafter directed; and the damages which shall be assessed in any case last above provided for, together with the costs and expenses of the proceedings, shall be paid by each of the municipal corporations on the line between which such highway is located, in proportion to the benefit to be derived therefrom by such corporations, and the same shall be levied and collected in the same manner as other general expenses of such corporation. The provisions of this act shall extend to counties, and the boards of supervisors thereof are hereby empowered to make such rules and regulations as may be necessary to carry out those provisions of this act applicable to county-line roads: *Provided*, That no highway, which shall have been in use as such for an uninterrupted period of ten years, shall be discontinued except upon the unanimous vote of all the officers or authorities present at such meeting, approved in the case of township roads by the township board or boards: *Provided*, That no such highway shall be laid out through any orchard which had been set out for the period of five years or more, without the consent of the owner thereof: *And provided further*, That no second application shall be made within twelve months, or a third application within two years, for that purpose, unless twice the number of freeholders above mentioned, living upon the line of such highway, shall sign such application.

Approved April 17, 1871.

Damages  
and expenses

Provisions  
to extend to  
counties.

Proviso.

Second  
proviso.

Third  
proviso.

[ No. 186. ]

ACT directing the Secretary of State to provide the electors of this State with uniform ballots on constitutional amendments.

SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the Secretary of State to cause to be printed a sufficient number of ballots to supply the electors of every township, ward, and voting precinct in this State with ballots on all amendments to the constitution which may hereafter be submitted to the people at any general election. And <sup>Time of sending.</sup> it shall, at least thirty days before any such general election in which constitutional amendments are to be voted upon, transmit said ballots in proportionate lots to the county clerk of each county, whose duty it shall be to transmit the same <sup>County clerk to distribute.</sup> hwith in proportionate lots to the various inspectors of election, for distribution at the polls.

Approved April 17, 1871.

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[ No. 187. ]

ACT to regulate the transportation of freight and passengers, and the management of railroads of this State not incorporated under an act entitled "An act to provide for the incorporation of railroad companies," as approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Rate of fare.</sup> railroad, excepting such as have been or that may be hereafter organized under the provisions of an act to provide for the incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five, or under any other general law of this State for the incorporation of railroad companies, shall be entitled to collect or receive, for the transportation of any passenger and his ordinary baggage, over three dollars per mile: *Provided,* That this section shall not repeal <sup>Proviso.</sup>

or interfere with the provisions of act number one hundred and fifty-five, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act for the relief of roads in the Upper Peninsula."

Employees  
to wear  
badge.

Sec. 2. Every conductor, baggage-master, engineer, brakeman, or other servant of all the railroads embraced in the first section of this act, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge shall demand or be entitled to receive from any passenger any fare, toll, or ticket, or to exercise any of the powers of his office, and no other officer or servants without such badge shall have authority to meddle or interfere with any passenger, baggage, or property.

Ejection  
from train.

Sec. 3. No person shall be ejected from any railway car of any company embraced under the first section of this act, for refusal to pay his or her fare, except at some regular station within eighty rods of some dwelling house.

Regulations  
for the run-  
ning of  
trains and  
carrying of  
freight.

Sec. 4. Every railroad corporation embraced under the first section of this act shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time, previous thereto, be offered for transportation at the place of starting, and at the junction of the railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of toll, freight, or fare legally authorized therefor: every railroad corporation embraced under the first section of this act shall transport merchandise, property, and persons from the various stations upon said roads, without particular

favor, when not otherwise directed by the owner of said party, and with all practicable dispatch, and in the order in which said freight and property shall have been received, after a penalty, for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt, against such corporation. Penalty for violation.

Sec. 5. If any person shall be intoxicated while in charge of a locomotive engine running upon any railroad embraced in the first section of this act, or while acting as the conductor of my train of cars on any such railroad, he shall be liable for damages incurred or produced by either his neglect or negligence, and shall be deemed guilty of a misdemeanor: Provided, Nothing in this section shall be construed to relieve the company from liability to the party damaged. Proviso.

Approved April 17, 1871.

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[ No. 188. ]

ACT to require railroad corporations to keep open ticket offices at passenger stations, for the sale of tickets, thirty minutes before the advertised time of the starting of all passenger trains, and to compel conductors to call out the names of all stopping stations prior to reaching the same.

SECTION 1. *The People of the State of Michigan enact,* That railroad companies doing business in this State by running for the conveyance of passengers, shall keep their ticket offices open for the sale of tickets at least thirty minutes previous to the time advertised for the departure of all passenger trains from every passenger station which any such passenger train, by notice given, is to start from, or stop at, between the hours of seven o'clock in the morning and eleven o'clock in the evening, and that the conductors of all such passenger trains shall announce or cause to be announced the name of the stations announced in the cars.

**Penalty for  
non-compli-  
ance, and  
disposition  
of fine.**

tion in each passenger car of every such train, within a reasonable time before the arrival of any passenger train at every station at which said train, from notice given, is to stop. For each violation of the provisions of this section, the railroad company whose employes do not comply with the provisions of this section in every respect shall forfeit the sum of one hundred dollars for each violation of same, one-half of which sum shall be paid to the person who in any way is injured by such violation the other half to be paid to the person causing said railroad company to be prosecuted therefor.

Approved April 17, 1871.

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[ No. 189. ]

**AN ACT** to amend chapter twenty-six, of the compiled laws, entitled "Of the regulation of ferries," by repealing sections three and four of said chapter, and by adding a new section thereto, providing for the laying out, constructing, maintaining, altering, or discontinuing of ferry landings, and for the use of highways or such landings.

**Sections  
repealed.**

**SECTION 1.** *The People of the State of Michigan enact,* That chapter twenty-six, of the compiled laws, entitled "Of the regulation of ferries," be and the same is hereby amended by striking out sections three and four of said chapter, being sections one thousand one hundred and eighteen and one thousand one hundred and nineteen of the compiled laws, and adding thereto the following, to stand as section twelve:

**Section  
added.**

**Ferry land-  
ings deemed  
public high-  
ways.**

**Sec. 12.** Ferry landings shall be deemed public highways and may be laid out, constructed, maintained, altered, or discontinued in the same manner, and shall in all respects be subject to the same regulations, so far as they may be applicable, as other public highways and bridges; and any public highways along the border of, or terminating upon the water-

of any stream, river, or other body of water across which a ferry is licensed, may be used as a landing for such ferry, subject to such rules and regulations as the authorities having control over highways may be establish, and such use shall be deemed a proper use thereof as a highway.

Approved April 17, 1871.

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[ No. 190. ]

AN ACT to amend section eighteen hundred and thirteen, being section fifteen, of chapter sixty-three, of the compiled laws, relative to the formation of mining and manufacturing companies, as amended by an act entitled "An act to amend section eighteen hundred and thirteen, being section fifteen, of chapter sixty-three, of the compiled laws," approved February fifth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact,* That section fifteen, of chapter sixty-three, being section one thousand eight hundred and thirteen of the compiled laws, as amended by an act entitled "An act to amend section eighteen hundred and thirteen, being section fifteen, of chapter sixty-three, of the compiled laws," approved February fifth, eighteen hundred and fifty-nine, relative to the formation of mining and manufacturing companies, be and the same is hereby amended so as to read as follows:

(1813.) Sec. 15. Every manufacturing corporation organized under this act, and every mining corporation, whether organized under this act, or under special acts of incorporation heretofore granted, shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for the purpose of carrying on the business of such corporation: *Provided,* That their real estate shall not exceed three thousand acres, unless such corporation is organized and actually

Mining and certain manufacturing companies may hold real estate.

Proviso.

engaged in mining or manufacturing copper, iron, or the ores thereof, in which case their real estate shall not exceed ten thousand acres; and all conveyances of lands heretofore made to any manufacturing corporation organized under this act are hereby confirmed and declared as valid and effectual to all intents and purposes as if made under the present provisions of this section.

Approved April 17, 1871.

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[ No. 191. ]

AN ACT to confirm the record of letters of attorney in certain cases.

Record or  
copy thereof  
proof of  
execution,  
etc., in cer-  
tain cases.

SECTION 1. *The People of the State of Michigan enact*, That any letter of attorney, or other instrument, containing a power to convey lands as agent or attorney for the owners of such lands, executed and acknowledged in the manner provided by the statute of this State for the execution and acknowledgment of such letter or other instrument, and which shall have been actually received in the office of the register of deeds of any county in the State prior to the first day of March, in the year one thousand eight hundred and forty-seven, may be proved in any court by the production of such record, or a duly certified copy thereof, and such record or duly certified copy shall be *prima facie* evidence of the due execution and acknowledgment of such letter of attorney or other instrument:

Proviso, ex- *Provided*, That provisions of this act shall not apply in any cepting St. Clair county. respect whatsoever to the county of St. Clair.

Approved April 17, 1871.

[ No. 192. ]

AN ACT to provide for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions, and defining their duties and powers.

SECTION 1. *The People of the State of Michigan enact,* That within fifteen days after the passage of this act, with the advice and consent of the Senate, the Governor shall appoint three suitable persons, residents of the State, to be called and known as "The Board of State Commissioners, for the general supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, and six years, as indicated by the Governor in making the appointments, and all appointments thereafter made, except to fill vacancies, shall be for the period of six years. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office.

Sec. 2. Before entering upon the discharge of their duties, each of the said Commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said Commissioners shall have power to appoint a secretary, not of their number, whose duties they may prescribe and whose salary they may establish and determine.

Sec. 3. The said Commissioners, by one of their number, or by their secretary, shall, at least once in each year, visit and examine into the condition of each and every of the city and county poor-houses, county jails, or other places for the detention of criminals or witnesses; and the said board, or a majority thereof, with their secretary, shall, at least once in each year, visit and examine the Reform School, State Prison,

Duties of  
commission-  
ers relative  
to examina-  
tion of poor-  
houses, etc.

Detroit House of Correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the institutions by them or by either of them visited, the method of instruction, government, or management therein pursued, the official conduct of the superintendents or other officers and employes in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poor-houses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and all times, and shall have authority to administer oaths and examine any person or persons in any way connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poor-houses, as to any matters or inquiries not contrary to the purposes or provisions of this act.

Compensa-  
tion.

Expenses.

Proviso.

Sec. 4. The said Commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the Commissioner or Commissioners making the charge, and approved by the Governor, shall be paid quarterly by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the secretary of said board shall be paid in like manner: *Provided*, That the entire expense of said board or commission, including their compensation for services, as required by the seventh section of this act, and the salary and traveling expenses of their secretary, shall not exceed the sum of three thousand dollars per annum.

May exam-  
ine em-  
ployees, etc.,  
under oath.

Sec. 5. No member of said board, or their secretary, shall be eligible to either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house be eligible to the office of Commissioner hereby created, nor shall any two members of said board be residents of the same county.

Sec. 6. On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigations, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said Commissioners, or either of them, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said Commissioners, which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.

Sec. 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal or reformatory institutions by them to be visited, or in anywise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature

Collection  
and revision  
of laws.

Compensa-  
tion.

Proviso.

Construction  
of this act.

at the first regular session following the passage of this act; and to accomplish this end, said board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-two, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. And each of said board, for the time actually required and expended in the discharge of his duties under this section, shall be entitled to demand and receive such reasonable compensation as shall be approved by the Governor, and which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses: *Provided*, That said board shall not perform the duties provided in this section if any law shall be enacted at this session of the Legislature authorizing the same work by any other board or commission.

Sec. 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the board of inspectors of the State Prison and the board of control of the Reform School; or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.

Approved April 17, 1871.

Section  
amended.

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[ No. 193. ]

AN ACT to amend section four hundred and fifty-seven, in chapter ten, of the compiled laws, relative to notaries public.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and nine, of chapter fourteen, of the

revised statutes of eighteen hundred and forty-six, being section four hundred and fifty-seven, in chapter ten, of the compiled laws, be and the same is hereby amended so as to read as follows:

Sec. 457. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice from the county clerk of his appointment, take and file with the county clerk the oath prescribed by the constitution, and pay into the hands of the clerk one dollar as a fee to the State, and the said clerk shall file the oath thus taken in his office, and on the first day of January, April, July, and October, in each year, he shall transmit to the State Treasurer, to be placed to the credit of the general fund, the amount by him received during each preceding quarter, for notary commissions by him delivered, and shall at the same time transmit to the State Treasurer and to the Secretary of State, a written list containing the names of all persons to whom, during each preceding quarter, he has delivered commissions, with his certificate that such persons have fully complied with the provisions of law in regard to their qualification for the discharge of the duties of the office of notary public, and said clerk shall further, at the same time, transmit to the Secretary of State all commissions that have remained in his office uncalled for for the period of thirty days after giving the notice required in the preceding section; and said clerk, for all his services required by this act, shall be entitled to receive the sum of seventy-five cents from each person so qualifying.

Commiss.  
sions not  
called for  
returned.

County  
clerk's fees.

Approved April 17, 1871.

[ No. 194. ]

AN ACT to amend sections five and fifteen, of act one hundred and forty-nine, of the session laws of eighteen hundred and sixty-nine, entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, eighteen hundred and sixty nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections five and fifteen, of act number one hundred and forty-nine, of the session laws of eighteen hundred and sixty-nine, entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, eighteen hundred and sixty-nine, be amended so as to read as follows:

Draft of improvement.

Sec. 5. After the organization of any such company as aforesaid, they may prepare a map or plan of the section or sections of the stream or streams, the navigation of which they propose to improve, and a plan for the improvement of the same, which shall show and set forth the several points in such stream where improvements are proposed to be made, and the nature and character of such improvements, and may submit the same to the board of control, and make application to said board for their approval thereof, and their assent to the proposed improvement, whereupon the said board shall designate some regular meeting of their body at which said application shall be had. The company shall cause notice of said application, and the meeting of the board fixed for the hearing thereof, to be published once in each week, for the six successive weeks next preceding the first day of said regular meeting, in some newspaper published in Detroit, and also in some newspaper published in the vicinity of the place where said improvements are to be made, and shall cause proper proofs of said publication to be filed with the board of control. At the meeting designated therefor, or at such subsequent meeting as the hearing shall be adjourned to, the board of control shall proceed to hear and determine the matter of said application.

Application to board of control for approval.

Notice of such application and meeting for its hearing.

Hearing and decision thereon.

on which hearing all parties interested therein may appear and be heard. If upon such hearing the board shall be of opinion that the construction of the proposed improvement will be a public benefit, and that the company is a proper one to make the same, they shall endorse upon such map or plan their approval thereof, and their assent to the construction of the improvement proposed, and shall also fix the time within which the same shall be completed by the company. Said board of control may, in their discretion, alter or amend such plan or plans before approving the same, or may at any time after such approval, consent to the alteration of such plans, upon the petition of the company which shall have presented the same.

Sec. 15. Whenever any portion of said work shall be com-<sup>Tolls.</sup> pleted to the satisfaction of said board of control, and it is so far useful that in the opinion of said board of control tolls should be paid for the use thereof, said board may fix the tolls to be paid for the use of such portion until the whole of said work is completed; and whenever said improvements have been completed and accepted by said board of control, the rates of toll which any company organized under this act may charge for running rafts, timbers, logs, or lumber through said improved stream shall be fixed by said board of control, and may be graduated with reference to the distance run upon the portion of said stream improved by said company, and shall not be increased without the consent of said board, but may be changed from time to time by said board; but such toll shall not at any time be increased so that the sum shall amount to more than fifteen per cent a year upon the actual cost of such improvements after deducting the necessary expenses and repairs; and the said board shall, as far as may be practicable, so fix the rates of toll on timber, logs, and lumber, that the same shall not at any time exceed the sum of twenty-five cents per thousand feet, board measure, on any stream where ten millions of feet or less are run in any one

year; twenty cents per thousand feet, board measure, on any stream where thirty millions of feet or less are run in any one year; nor more than fifteen cents per thousand feet, board measure, on any stream where from thirty to fifty millions of feet are run in any one year; nor more than ten cents per thousand feet, board measure, on any stream where from fifty to one hundred millions of feet are run in any one year; nor more than five cents per thousand feet, board measure, on any stream where from one to two hundred millions of feet or more are run in any one year; and the collection of such tolls shall be confined strictly to that part or portion of a river or stream so improved, and to that class of floatables benefited by the improvement; and nothing in this act shall be construed to give jurisdiction to any corporation over any portion of a river or stream other than the portion specifically improved by such corporation. Such corporation shall cause to be made out and filed with said board of control, at or before its meeting on the last Wednesday in March, each year, the affidavit of its president or one of its directors, setting forth in detail, upon his best information and belief, what amount of timber, logs, and lumber will be run through any section or sections of the river improved by the company during that year, and that the official has made due and reasonable inquiry on the subject from persons lumbering on the river, and otherwise.

*Construction of this act as to jurisdiction.*

*Annual statement.*

Approved April 17, 1871.

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[ No. 195. ]

**AN ACT** to revise the laws providing for the incorporation of railroad companies.

*Seven persons may organize.*

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any number of persons, not less than seven, to organize themselves into a corporation for the purpose of constructing, operating, and maintaining a railroad,

railroad bridge, or railroad tunnel, and for such purpose such <sup>Articles of association.</sup> persons shall subscribe articles of association, in which shall be set forth the name of the corporation; the number of years the same is to be continued; the amount of the capital stock of said company, which shall not be less than four thousand dollars per mile of road constructed, or proposed to be constructed, with flat bar rail, or with a gauge not exceeding three feet six inches in width, and not less than eight thousand dollars per mile of road constructed, or proposed to be constructed, of "T" rail, with gauge exceeding three and a half feet in width, and not less than half the estimated cost of any such bridge or tunnel; the number of shares of which the stock shall consist, which shall be of the amount of one hundred dollars each; the number of directors, which shall be not less than five nor more than thirteen, and their names; the places from and to which, and the name of each county into or through which it is or is intended to be constructed, and its length, as near as may be. Each subscriber to such articles of association shall set opposite his name, his place of residence, and the number of shares of stock by him subscribed. Whenever one thousand dollars per mile of such railway, or <sup>Conditions precedent to the filing of articles.</sup> one-half the estimated cost of such bridge or tunnel, shall have been subscribed upon such articles of association, and five per cent of the amount thereof shall have been paid in to the directors named in such articles, and an affidavit shall have been made and annexed thereto by any two of said directors, that said amount has been subscribed and said five per cent paid in, as before provided, such articles of association shall be filed in the office of the Secretary of State; and thereupon the persons who have subscribed such articles, and all other persons who shall, from time to time thereafter, subscribe or become the holders of the capital stock of said corporation, in the manner to be provided by its by-laws, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a com-

mon seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding, and conveying any real and personal property whatever, necessary for the construction, maintenance, and operation of said railway, and for the erection of all necessary buildings, yards, and appurtenances for the use of the same.

**Directors.** Sec. 2. All of the corporate powers of any such corporation shall be and are hereby vested in the board of directors, except as may be herein otherwise provided. No person except a stockholder shall be a director of said corporation, and no stockholder shall be entitled to vote for directors, or for any other purpose, who shall be in arrears in the payment of any assessment made on his subscription to stock. The president of said corporation shall be elected by the directors from their own number.

**Election of president.** The board of directors are hereby authorized to provide by by-laws for the disposition of its unsubscribed capital stock, and for the election or appointment of agents or employes of said company, and to require of them security for the faithful performance of their duties and for the general management of the business and affairs of said company. At all elections for directors, and meetings of stockholders, each stockholder shall be entitled to cast, in person or by proxy, one vote upon each share of stock owned or held by him ten days previous to such election or meeting, and a majority of all votes cast shall be requisite to an election, or for the determination of any question voted upon.

**Each share of stock entitles to a vote.** A majority of the directors shall constitute a quorum for the transaction of business by the board of directors. In case of any vacancy in the board of directors, such vacancy may be filled by the remaining directors until the next election of directors.

**Amendments to articles of association.** Sec. 3. It shall be lawful for any company claiming organization under this act, upon a vote of its stockholders holding two-thirds of its subscribed stock, at any meeting thereof, to alter and amend its articles of association so as to change the general route of said railway, or to extend the length of the

line thereof from either or both of its termini, or to extend any branch or branches, from any point on the same, or to change the gauge of its road, or in any other respect not inconsistent with the provisions of this act, as it may determine; and upon such vote said company may make articles amendatory of their original articles, which shall be signed and certified to by the president and secretary of said company, and under its corporate seal; and when the same shall be so signed, sealed, and certified, and filed with the Secretary of State, they shall have the same force and effect as though such alterations or amendments had been included in and made a part of the original articles of association. Articles of association filed in pursuance of this act, with all such subsequent <sup>Privileges under the same.</sup> alterations and amendments thereof, and the affidavits annexed thereto, shall be forthwith recorded by the Secretary of State, in a book to be provided by him for that purpose, at the expense of the company filing the same; and whenever any such articles of association, as well as any articles amendatory hereof, are filed as above provided, the company filing the same may at once proceed to construct, operate, and maintain its railway, or any section or portion thereof, and to exercise its proper powers and privileges, and also to assess, levy, and collect such assessments upon such stock as at that time, and from time to time, may be subscribed for such purpose, as said company shall determine. A copy of any articles of association, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereof, filed in pursuance of this act, <sup>Certified copies evidence in court, etc.</sup> or of the record thereof, certified by the Secretary of State, under the seal of the State, to be a copy, shall, in all courts and places, be *prima facie* evidence of the matters therein stated, and of the genuineness of the signatures thereto, and of the incorporation of said company, as well as of the articles amendatory thereof.

Sec. 4. At any meeting of stockholders for the election of <sup>Classification of</sup> directors, it shall be lawful for the stockholders to classify the <sup>directors.</sup>

directors in three equal classes, as near as may be, one of which classes shall hold their office for one year, one for two years and one for three years, and until their successors are respectively elected; and at all subsequent elections directors shall be elected for three years, to fill the places made vacant by the class whose term of office shall expire at that time. In case

*Their term  
of office and  
election in  
case no clas-  
sification is  
made.*

no such classification shall at any time be made, the persons elected at any such meeting shall hold their offices for one year, and until their successors shall be elected, and it shall be

the duty of the directors to provide for by by-law, and to call every year, and in case of their neglect so to do, a majority of the stockholders may call, an annual election of directors, and at such time and place as may be appointed, in some county in which the road is to or shall run, and at which time and place there shall be a general meeting of the stockholders, in person or by proxy. And a special meeting of the stockholders may be called at any time by the directors, or by the stockholders owning not less than one-fourth of the stock in value, by giving notice of such meeting as is hereinafter provided. At least thirty days' notice of the time and place of every general or special meeting of the stockholders shall be given in one or more daily newspapers printed in the city of Detroit, and also in one or more newspapers printed in the county where the principal office of the company is situated, if it be not in said city: *Provided*, That such notice, when given by the stockholders, shall state the object of such meeting. Evidence of such notice may be perpetuated by the affidavit of any person having knowledge thereof; and at any meeting of the stockholders held pursuant to this act, a majority in value of the stockholders may remove from office any of the directors, or other officer of the company, and elect others in their stead. And

*Notice of  
same.*

*Proviso.*

*Evidence of  
notices.*

*Removal of  
directors  
from office.*

*Stockholders  
to have con-  
trol.*

the president and directors, and officers and agents of the company, in the exercise of their respective powers and duties shall at all times be governed by and be subject to such rules, regulations, and directions as the stockholders holding a

majority in value of the stock may adopt at such meeting (and proxy.

at every such meeting it shall be competent for any stockholder

to appear and vote by proxy as well as in person). If at any meeting of the stockholders a majority in value of the stock is not represented in person or by proxy, the same shall be

adjourned by such as are present, from day to day, not exceeding three days, without doing any business, when, if such majority do not appear and attend, the meeting shall be dissolved.

Sec. 5. At every annual meeting of stockholders, it shall be the duty of the board of directors to exhibit a clear and full statement of the affairs of the company for the preceding year.

Sec. 6. The board of directors may, by resolution, require the subscribers to the capital stock to pay the amounts by them respectively subscribed, in such manner and in such installments as they may deem proper, and in case of neglect or refusal to pay any such installment, said company are hereby authorized to sue for and collect the same, and in case such neglect or refusal shall continue for sixty days after notice in writing to pay the same has been served on him personally or by depositing the same in the postoffice nearest his usual place of residence, or in case execution issued on a judgment recovered for any such installment shall be returned unsatisfied, in whole or in part, said board of directors may declare such stock and all previous payments or collection made thereon forfeited, and the same shall be forfeited accordingly, and any forfeited stock shall be subject to sale by the company as may be provided for by by-laws or resolutions of the directors.

Sec. 7. The stock of any such company shall be deemed personal estate, and shall be transferable in the manner and under such restrictions and conditions as may be provided for by the by-laws; but any certificate of stock issued before payment in full shall show on its face, or by endorsement, the amount paid thereon, and no share shall be transferred on the

Relative to  
quorum of  
stockholders  
meetings.

Annual  
statement by  
directors.

Relative to  
the collec-  
tion of sub  
scription to  
capital stock.

Forfeiture of  
stock.

Stock  
deemed per-  
sonal estate.

**Payment of any public street, lane, alley, or highway, until damages and damages.**

compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, or highway, and opposite where such railway is to be constructed, either by agreement between the railroad company and each owner or owners, or ascertained as herein prescribed for obtaining property or franchises for the purpose of its incorporation, to be paid to the owner thereof, deposited as hereinafter directed;

**Connections with other roads.**

*Sixth.* To cross, join, and unite its railroad with any other railroad now or hereafter constructed, under any law whatever, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the object of its connections; and to make all such business arrangements as said companies may agree upon. And every company whose railroad shall be intersected by any other railroad shall unite with the owners of such other railroads in forming such intersections and connections, and grant facilities for the same; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined as is provided hereinafter for the taking of lands and other property;

**Relative to power to be used on roads.**

*Seventh.* To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor;

**Buildings and lands.**

*Eighth.* To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold the lands necessary therefor;

**Relative to time and manner of transportation, and rates of fare.**

*Ninth.* To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for

transporting any passenger, and his or her ordinary baggage, not exceeding in weight one hundred pounds, shall not exceed the following prices, viz: On railroads not exceeding thirty miles in length, for a distance not exceeding five miles, twenty-five cents; for a distance not exceeding thirty miles, three and one-half cents per mile;

*Tenth.* On all railroads exceeding thirty miles in length, Rate of fare  
and time of  
keeping  
ticket offices  
open. they may charge not exceeding three cents per mile. All railroad companies shall keep their ticket offices, between the hours of seven o'clock A. M. and eleven o'clock P. M., open for the sale of tickets at least thirty minutes previous to the time advertised for the departure of any passenger train: *Provided further,* That the rate charged for the transportation of property shall not exceed the rate which the Michigan Central Railroad Company is by its charter authorized to charge. Any railroad company doing business within this State shall be required to transport without unnecessary delay, and in due order of time, without discrimination, except as to classification, all freight offered for transportation, and at uniform rates per mile: *Provided,* That such railroad company Further proviso. shall be entitled to charge and collect, in addition to their uniform rates per mile, for a distance not more than fifteen miles, one hundred per cent; for a distance not exceeding twenty-five miles, fifty per cent, and for a distance not exceeding fifty miles, twenty-five per cent.

*Sec. 11.* The Legislature may, when any railroad organized under this act is opened for use, from time to time, alter or reduce the rates of toll, freight, or other profits upon such road; Relative to  
the reduc-  
tion of tolls,  
etc., by Leg-  
islature. but the same shall not, without the consent of the corporation, be so reduced as to produce less than fifteen per cent per annum on the capital actually paid in; nor, unless on an examination of the amounts received and expended, to be made by the Auditor General, he shall ascertain that the net income divided by the company from all sources for the year then last past shall have exceeded an annual income of fif-

teen per cent upon the capital of the corporation actually paid in.

Relative to  
tender of  
compensa-  
tion for right  
of way, etc.

Sec. 12. When any railroad company desires to acquire any right of way, or real estate, for the purposes of its incorporation, such company may, previous to or after proceedings are commenced for such purpose, tender to the owner or owners of said lands or premises any sum of money which such company shall conceive sufficient amends or compensation for the same together with the cost to the time of making such tender; and if it shall appear in the progress of such proceedings, or upon the assessment of damages, that the amount so tendered was sufficient to pay such damages or compensation, and the costs of the suit or proceedings up to the time of such tender, the owner or owners of such lands or premises shall not be entitled to recover or collect any costs incurred subsequent to the time of such tender.

Relative to  
acquiring  
real estate,  
etc., when  
parties  
cannot  
agree.

Sec. 13. In case any railroad company is unable to agree for the purchase of any real estate, property, or franchise required for the purpose of its incorporation, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act; but there shall be no power, except for crossing, to take the track or rights of way of any other railroad company without the consent of said company.

Idem.

Sec. 14. For the purpose of acquiring such title, such company may present a petition to any court of record for such county, praying for the appointment of three commissioners; said petition shall be in the name of the company, and shall be signed by one of the directors, or the engineer, or the attorney of said company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the company seeks to acquire under such petition in said county; that said company is duly incorporated; that it has a railroad constructed, specifying the points from and to which the same is in operation, or that it

is the intention of said company in good faith to construct and finish a railroad from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed, as required by this act, to organize such company; that the company has surveyed the route of its proposed road in said county, and made a map and survey thereof, by which said route is designated, and that it has located its said road according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company, in the register's office of said county; that the property described in the petition is required for the purpose of constructing, operating, or repairing the road or its appurtenances, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, or have, or claim to own or have estates or interest in said property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances, or otherwise, as the company may see fit to make. A copy of such petition, with a notice of the time and place when and where the same will be presented to such court, must be served on all persons whose interest will be affected by the proceedings at least ten days prior to the presentation of the same to the court.

*First. If the person on whom service is to be made resides in this State, and is not an infant under the age of fourteen years, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but*

In case of  
persons not  
minors,  
idiots, etc.

has such agent as aforesaid residing in this State, then service may be made on such agent in manner aforesaid, or upon him personally out of this State; or it may be by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, [and] in some paper published in the county in which such lands or property are situated, if there be one, and if not, then in some daily paper published in the city of Detroit, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such persons residing out of this State be known, a copy of such petition shall be deposited in the postoffice at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, and the postage in the United States paid thereon;

In case of minors, etc.

*Second.* If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides;

In cases when residence is unknown.

*Third.* If the person on whom such service is to be made be unknown, or his residence be unknown, then such service may be made by publication for six weeks, in the same manner provided in the first subdivision in this section;

In case of minors without guardian.

*Fourth.* In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian, the said court, or the judge of such court, shall appoint a special guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind; and all notices to be served in the process [progress] of the proceeding may be served on such special guardian;

In other cases.

*Fifth.* In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act may be made as the said court or judge may direct.

Sec. 15. On presenting such petition to said court, with proof of service of a copy thereof, and due notice as aforesaid, all persons whose estate or interest are to be affected by the proceedings may show cause against the prayer of the petition, and may disprove any of the facts alleged therein; and said court or judge shall hear the proofs and allegations of the parties; and if no sufficient cause is shown against granting the prayer of the petition, said court or judge shall make an order appointing three disinterested and competent freeholders as commissioners, to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company, and such court, or the judge thereof, shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons, or company, whose state or interest is to be affected by the proceedings, may demand and have from such court, at the time of the hearing of said petition, a jury of twelve freeholders of said county to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and determine damages or compensation to be allowed therefor; thereon the court shall direct the sheriff, or any constable of the county, to make a list in writing of twenty-four inhabitants of the county, qualified to serve as jurors in the courts of record in this State; such sheriff or officer shall, before he proceeds to make such list, be sworn by the court or judge to select such persons according to his best judgment, and without favor or partiality to either party. From such list the person or persons demanding such jury may strike off six names, and the railroad company six names, and in case either of them refusing or neglecting to do so, the judge will strike off from said list so as to leave only twelve names thereon. Such court, or the judge thereof, shall issue a

Appoint-  
ment of  
commission-  
ers of ap-  
praisal.

Proviso:  
jury may be  
had.

Form of im-  
paneling  
the same.

*venire* in the usual form, inserting therein the twelve names so remaining on said list, and requiring such jury to meet at the time and place appointed therefor by the court, which said *venire* may be served by the sheriff, any constable, or other proper officer of the county, as in other cases; and if, at the time and place appointed by said court or judge for said jury to meet, any of the persons named as jurors do not attend, or if any named in the *venire* or chosen as talesmen shall be rejected in a challenge for cause (which right of challenge is hereby granted), it shall be competent for said court, or the judge thereof, to order the said sheriff or other officer to summon immediately as many competent persons as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors; and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived.

Duties and  
powers of  
commission-  
ers of ap-  
praisal.

Sec. 16. The commissioners shall take and subscribe the oath prescribed by article eighteen of the constitution. Any of them may issue subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet except by appointment of the court or judge, or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties. They may view the premises described in the petition, and shall hear the proof and allegations of the parties, and shall reduce the testimony, if any is taken by them, to writing, if requested to do so by either party, and after the testimony is closed in such case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes described; and if they deem the same necessary to be taken, they shall ascertain and determine the damage

or compensation which ought justly to be made by the company therefor to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian of an infant, idiot, or person of unsound mind, or to said court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said court or judge, signed by them, or a majority of them, of the proceedings before them, if any. Said commissioners shall be entitled ~~Fees of same~~ to two dollars a day for each day they are engaged in the performance of their duties, to be paid by the company; and in <sup>Duties and powers of</sup> case a jury shall have been demanded and ordered by the <sup>Jury in the case.</sup> court, pursuant to section fifteen of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and the damage or compensation to be paid by the company therefor, in the same manner, and with like effect, as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and, before acting, shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of or persons interested in each particular description of real estate mentioned in said petition, who have demanded said jury; and <sup>Pay of jury.</sup> they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be paid in the first instance by the company. The said judge may attend <sup>Judge may or may not</sup> said jury, to decide questions of law and administer oaths to <sup>attend</sup> jury. witnesses, and he may appoint the sheriff or other proper officer to attend and take charge of said jury while engaged

in said proceedings. And in case the judge shall not attend, the jury shall proceed to determine the amount of damages to be awarded, and shall have all the powers hereby conferred upon commissioners; and a report, signed by the jury, or a majority of them, where the judge is or is not in attendance, shall be valid and legal. At any time before the report of the jury or commissioners shall be made to the court, it shall be competent for the company, after sufficient cause has been shown, and with leave of the court, to discontinue all pending proceedings in any case, and to institute new proceedings at any time thereafter, but the company in all such cases shall pay all the costs of such proceedings so discontinued, with an attorney fee to be taxed as in cases of law.

*Order of court on report being made.* Sec. 17. On such report being made by the commissioners or jury, the court, on motion, shall confirm the same at the next or any subsequent session, unless for good cause shown by either party; and when said report is confirmed, said court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, or when and where it shall be deposited by the company. Said court, as to the confirmation of such report, shall have all the powers usual in other cases.

*Record of order.* Sec. 18. A certified copy of the order so to be made shall be recorded in the office of the register of deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said company of the sum to be paid as compensation for such land, franchise, or other property, and for costs, expenses, and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon and take possession of, and use the said land, franchise, and other property for the purpose of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right.

*Company thereupon may enter upon land on payment of damages, etc.*

estate, and interest in such real estate, franchise, or other property, until such right or title shall be again legally vested in such owner; and all real estate or property whatsoever, acquired by any company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use: *Provided*, The said sum to be paid as ~~Proviso.~~ damages and compensation, and costs, expenses, and counsel fees as aforesaid, shall be paid by the company or deposited, as provided in this act, within sixty days after the confirmation of said report by the circuit court; and in case said company fail or neglect so to do, such failure or neglect shall be deemed as a waiver and abandonment of the proceedings to acquire any rights in said land or property. Within twenty days after ~~Appeals.~~ the confirmation of the report of the commissioners or jury, as above provided for, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal or report of the commissioners or jury; such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given according to the rules and practice of the court; on the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners or jury, in its discretion. The second ~~Final report.~~ report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and in such case all costs of the appeal shall be paid by the company; but if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgments therefor, and for all costs of the appeal, shall be rendered against the party so appealing. On the filing of the report, such appeal, <sup>Costs, etc., in</sup> <sup>appeal.</sup> when made by any claimant of damages, shall not affect the said report as to the right and interests of any party, except the <sup>Effect of</sup> <sup>appeal on</sup> <sup>report and</sup> <sup>possession of</sup> <sup>land.</sup>

party appealing, nor shall it affect any part of said report in any case, except the party appealed from, nor shall it affect the possession of such company of the land appraised; and when the same is made by others than the company, it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Judge to decide on adverse claims for damages.

Sec. 19. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Unknown parties in interest, etc.

Sec. 20. The court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other commissioners in the place of any who shall die, or refuse, or neglect, or are unable to serve, or who may leave or be absent from the State.

Vacancies in board of commissioners.

Proceedings when title attempted to be acquired is found to be defective.

Sec. 21. At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and

may stay all actions or proceedings against any company, or any officer or workmen of such company, on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor, when finally ascertained; and in every such cause the party interested in such real estate or other property may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

Sec. 22. All companies organized under this act shall have power, from time to time, to borrow such sums of money as they may deem necessary for completing and finishing, or operating their road, or any part thereof, or for paying indebtedness, and to issue or dispose of their bonds or obligations for any amount so borrowed, for such sums and such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises, and the income thereof, or any part thereof, to secure the payment of any debt contracted, or to defray any expenditure by the company for the purpose aforesaid; and the directors of any such company may confer on any holder of any such bond or obligation, the right to convert the same into the stock of said company, at any time not exceeding ten years from the date of said bond, on such terms and under such regulations as the company may see fit to adopt; and said company may sell their bonds or obligations, either within or without this State, at such rates and prices as they may deem proper. Any such company may, at any time, with the concurrence of a majority in value of its stockholders at any annual meeting, or at any special meeting of the stockholders called for that purpose, increase its capital stock, or provide for the issue of preferred or secured stock, upon such terms and conditions as to them may seem meet.

Company  
may borrow  
money, issue  
bonds, and  
mortgage  
property.

Bonds con-  
vertible into  
stock.

May sell  
bonds.

Increase of  
capital stock.

Sec. 23. If at any time after the location and use of the track, or of any part thereof, of any company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be

Change of  
line.

improved, it shall be lawful for such directors, from time to time, to alter the lines, and cause a new map to be filed in the office of the register of deeds of the county in which such alteration is made, and when a new line is adopted, to take possession of the lands and property embraced in such new location, that may be required for the construction, maintenance, and operation of the road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding provisions of this act, and use the same.

Acquiring title to State or municipal lands. Sec. 24. If any such company shall, for its purposes aforesaid, require any land belonging to the State, or to any city, village, county, or town, the Commissioner of the State Land Office, and the city, village, county, and town officers, respectively, having charge of said lands, may grant such lands to such company for a compensation which shall be agreed upon between them, or in case they cannot so agree, then such lands shall be appraised as in other cases. All petitions or notices, in cases where the State is the owner, shall be served on the Commissioner of the State Land Office; when a city or village is the owner, on the mayor, or other chief executive officer; when a county is the owner, on the prosecuting attorney of such county, and when the township is the owner, on the supervisor of such township.

Service of notice.

Employees not to use intoxicating drinks. Sec. 25. No person shall be employed as an engineer, fireman, baggage master, conductor, brakeman, or other servant upon any railway, in any of its operating departments, who use intoxicating drinks as a beverage, and any company in whose service any such person shall knowingly be employed shall be liable to a penalty of twenty-five dollars for every such offense, to be sued for in the name of the people of the State of Michigan.

Sec. 26. If any passenger shall refuse to pay his fare or toll, or shall use indecent or profane language, or be disorderly, in

any passenger car, or refuse to obey such regulations as may be established for the convenience and safety of passengers, it shall be lawful for the conductor of the train and servants of the company to put him off the train at any usual stopping place, or opposite any dwelling-house the conductor shall select; and in case it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane, or indecent language or conduct of any passenger, the conductor of such train is hereby authorized and empowered to arrest such passenger and remove him to the baggage car, or some safe and secure place on such train, until its arrival at some usual stopping place, where he may be put off from the train, and put into the custody of some proper officer for prosecution, if necessary. For this purpose, railroad conductors, while in charge of trains, are hereby invested with the powers of sheriffs and constables.

Sec. 27. A bell of at least thirty pounds weight, and a steam whistle, shall be placed on each locomotive engine, and said bell shall be rung, or whistle sounded, at the distance of not less than eighty rods from any street or road crossing, under a penalty of fifty dollars for every neglect, and the company shall also be liable for all damages which shall be sustained by any person by reason of such neglect. Every railroad corporation shall, and they are hereby authorized to cause sign-boards across streets. boards to be placed, well supported by posts or otherwise, and maintained, across each public road or street, where the same is crossed by the railroad in the same level; the boards shall be elevated so as not to obstruct the travel, and to be easily seen by the travelers, and on each side of said board shall be printed, in capital letters of the size of not less than nine inches each, the words: "Railroad crossing—look out for the cars." But this section shall not apply to streets in cities or villages, unless the railroad corporation be required to put up such boards by the officers of said cities or villages having charge of said streets.

**Penalty for  
intoxication  
of conductor  
or engineer.**

**Proviso.**

**Of injuries  
from riding  
on platform,  
etc.**

**Proviso.**

**Fine for  
violation of  
rules by  
employes.**

**Trains to  
stop before  
crossing  
other rail-  
roads.**

**Penalty for  
violation.**

**Sec. 28.** If any person shall be intoxicated while in charge of a locomotive engine, running upon the road of and [any] such company, or while acting as the conductor of any train of cars on any such road, he shall be liable for all damages incurred or produced in consequence thereof, and shall be deemed guilty of a misdemeanor: *Provided*, That this shall not affect or release the railroad company from any such liability.

**Sec 29.** In case any passenger on any such road shall be killed or injured while on the platform of a car, or while in or on any baggage or freight car, in violation of the printed regulations of the company, posted up at the time in a conspicuous place inside its passenger cars then in the train, such company shall not be liable for the injury, if the injury be occasioned by the person being improperly on such platform or within such baggage or freight car, or after having been notified by the conductor or any other person having charge of any train, that such person is not in the proper place: *Provided*, Said company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.

**Sec. 30.** Any conductor, engineer, servant, or other employe of any such railway corporation, who shall knowingly violate any of the written or printed rules or regulations of such company in relation to running of engines or trains, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to an imprisonment in the county jail not more than six months.

**Sec. 31.** Every locomotive engine, passenger, freight, or other train of cars, running on any railway, shall be brought to a full stop, before crossing any other railway or railroad constructed on the same grade; and every engineer, conductor, or other person having charge or control of such engine or train, who shall offend against the provisions of this sec-

tion, shall be liable to a fine of not exceeding one hundred dollars for each violation.

Sec. 32. In forming a passenger train upon any railway constructed under the provisions of this act, no baggage or freight car shall be placed in the rear of any passenger car, and any officer, agent, or other employe, who shall cause them to be so placed, or who shall knowingly suffer the same to be done, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Sec. 33. Every company shall, on or before the first day of May in each year, make and file with the Auditor General a report, which shall be verified by the president and acting superintendent of such company, of its operations for the year ending on the last day of December next previous thereto, and shall state:

*First.* The capital stock and the amount paid in;

Contents of report.

*Second.* The amount expended for the purchase of lands, for buildings, and for engines and cars, respectively;

*Third.* The amount and nature of its indebtedness, and the amounts due the company;

*Fourth.* The amount received for the transportation of passengers, of property, of mails, and from all other sources, including receipts for lands sold;

*Fifth.* The amount paid for operating expenses, and ordinary repairs, and construction;

*Sixth.* The number and amount of dividends, and when paid;

*Seventh.* The number of engine houses, shops, and cars, and their character;

*Eighth.* The number of miles of road completed and in operation, and between what points completed, and between what points operated;

*Ninth.* The amount of freight transported, specifying the quantity, in tons, of minerals, products of the forest, animals, animal and vegetable food, manufactures, merchandise, and other articles;

Position of cars in train.

*Tenth.* The number of miles run by passenger, freight, and other trains, respectively, the number of passengers transported, and the average number of miles of each passenger;

*Eleventh.* The width of the gauge of the road.

Penalty for  
non-compli-  
ance, or for  
making false  
report.

Sec. 34. Any such company which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of five hundred dollars; and it shall be the duty of the Auditor General, and he is hereby required, in case any such corporation incurs the penalty aforesaid, to forthwith issue his warrant for the collection of the same, in the same manner, and to levy and collect the same in all respects as is herein provided for the collection of taxes against such corporation, and the collection of such penalty shall not absolve the corporation from the obligation to make such report, but it shall still be its duty to make the same, and a willful neglect or refusal to do so may be cause for a forfeiture of the corporate franchises. It shall be the duty of the Auditor General to annually arrange the information contained in such report, in a tabular form, and prepare the same, together with said reports, in a single document, for printing, and the same shall be printed and published annually, at the time of printing and publishing his annual report.

Auditor  
General to  
publish re-  
ports.

Liens for  
penalties,  
taxes, debts,  
etc.

Sec. 35. This State shall have a lien upon all railways therein, and their appurtenances and stock therein, for all penalties, taxes, and dues which may accrue to the State from the companies owning or operating the same, which lien of the State shall take precedence of all demands, judgments, or decrees against said companies; and each citizen of the State shall have a lien upon all the personal property of said company, for all penalties, dues, and demands against any such company to the amount of one hundred dollars, originally incurred or contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments, or decrees, liens, or mortgages against said company.

Sec. 36. Every railway company formed under this act, and every person or corporation owning or occupying any such railway, shall erect and maintain fences on the sides of their respective roads, of the height and strength of a division fence required by law, with suitable openings and gates or bars therein convenient for farm crossings of the road, for the use of the proprietors of the lands adjoining such railway, or in lieu of such fences, shall make ditches, or other obstruction that would be equivalent to such fences, for the protection of such adjacent proprietors, and shall also construct and maintain cattle-guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on to such railway. The sufficiency of such fence, ditch, or other obstruction in lieu of a fence, may be determined by the proper fence-viewers; and the provisions of law relating to partition fences shall apply to railroad fences, except that the company shall build and maintain the entire fence, ditch, or other obstruction, at its sole expense. Until such fences and cattle-guards, or ditches, shall be duly made, such company, person, or corporation, while operating its road, shall be liable for all damages done to cattle or other animals thereon, belonging to such adjacent occupants or proprietors, which may result from the neglect of such company, person, or corporation to construct and maintain such fences, cattle-guards, or ditches, as aforesaid; and after such fences and cattle-guards or ditches shall be duly made and maintained, such company, person, or corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road, and within such fences and cattle-guards or ditches, other than at farm crossings, or shall injure or destroy, or make openings or passages through or over such fences, cattle-guards, or ditches, without the consent of such company, person, or corporation, he shall, for every such offense, be liable to a fine not exceeding one hundred dollars, and shall also pay

Liability previous to fencing road.

Penalty for making openings in fences, etc.

all damages that shall be sustained thereby, to the party aggrieved:

Specific taxes.

Proviso.

Second proviso.

Third proviso.

Sec. 37. Every company formed under the provisions of this act shall, on or before the first day of July of each year, pay to the State Treasurer, on the statement of the Auditor General, an annual tax on the gross receipts of said company, computed in the following manner, viz: upon the gross receipts to the amount of three thousand dollars (or less) per mile of road regularly operated, one and one-half per cent; upon the gross receipts in excess of three thousand dollars, and less than six thousand dollars per mile, two per cent; and upon the gross income equal to or in excess of six thousand dollars per mile, three per cent; which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal, or mixed, except penalties imposed by law, except real property not necessary for carrying on the ordinary operations or franchises of their road: *Provided*, Only such lands granted to any railroad company shall be liable to local taxation as are or may be opposite to and coterminous with the constructed portion and portions of said roads respectively: *And provided further*, That no such lands shall be subject to taxation until after the expiration of three years from and after the first day of April, in the year of our Lord one thousand eight hundred and seventy-one, and until after three years from the date of the certificate showing that such lands have been earned by said railroad company, after which time said lands shall be taxed as other lands, except as hereinafter provided: *And provided further*, That the lands of the several land-grant railroad companies, opposite to and coterminous with their lines as now in operation, shall be subject to taxation in two years from said first day of April, in the year of our Lord one thousand eight hundred and seventy-one; and such tax shall be estimated upon the last annual report of said company filed in the office of the Auditor General, as hereinbefore provided: but if such company omits to make a report when due, then

the tax shall be estimated upon the best information the Auditor General may obtain: *Provided*, That no corporation formed under the provisions of this act shall be liable to pay tax on any money expended on any portion of its road which has not been opened for use.

Sec. 38. If any railway company shall not, within three years after its organization, begin the construction of its road, and expend thereon ten per cent on the amount of the capital stock subscribed, and finish the road and put it in full operation in ten years from the time of its organization, it may be adjudged to have forfeited its corporate rights and privileges by any court of competent jurisdiction, on the petition of one-fourth in value of its stockholders, except as to so much thereof as shall be completed at the time of filing such petition.

Sec. 39. Any railway company organized under this act, receiving freight for transportation, shall be entitled to the rights and be subject to the liabilities of common carriers, except as herein otherwise provided; but no such company shall be suffered to lessen or abridge its common-law liability as a common carrier, unless by an agreement to be signed by both parties thereto.

Sec. 40. Any company organized under this act may subscribe to the capital stock of any other company organized under this act, with the assent of such other company; and any railroad company chartered or organized under any other law of this State may subscribe to the capital stock of any company organized under this act, with the assent of the company to whose stock such subscription is made; and any company organized under this act may make any arrangement with any other railroad company, whether organized or incorporated under this or any other act, for running its cars over the road of such other company, or for the working and operating of such other roads, as said companies shall mutually agree upon; and any companies, organized or incorporated under this or any other act, whose lines are connected, may

Fourth proviso.

Forfeiture of  
corporate  
rights for  
not building  
road.

Subject to  
rights and  
liabilities of  
common  
carriers.

Companies  
may own  
stock in  
other com-  
panies.

May make  
arrange-  
ment to  
run cars over  
other roads,  
etc.

. enter into any arrangements for their common benefits, consistent with and calculated to promote the objects for which they were created.

**Consolidations of companies.** Sec. 41. Any railroad company in this State, forming a continuous or connected line with any other railroad company, may consolidate with such other company, either in or out of this State, or partly within and partly without this State, into a single corporation: *Provided*, That no such companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The directors of said two or more corporations may enter into an agreement, under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than five nor more than thirteen; the time and place of holding the first election of directors after such consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations as hereinafter provided; the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporations shall possess all the powers, rights, and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization, not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations

**Agreement submitted to stockholders**

until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice by publication, at least once in each week, for four successive weeks, in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which a newspaper shall be published, the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of the said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders, by the vote of a majority in interest of the stockholders, in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement, filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two or more companies, and of all the facts therein stated: *And provided*, That any railroad bridge company or railroad tunnel company, which may be organized under this act to bridge or tunnel the Detroit river, or the St. Clair, or any of the waters in the jurisdiction of this State, shall have the right to consolidate the stock, property, and assets of said company, with the stock, property, and assets of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State or country, to construct any such bridge or tunnel therewith, upon such terms, conditions, and agreements as may by the said two companies be deemed just and equitable: *Provided*, That every such bridge or tunnel shall further proviso.

Notice of  
meeting for  
such pur-  
pose.

Copy of  
agreement  
evidence of  
consolida-  
tion, etc.

Proviso  
relative to  
tunnel  
companies.

Further  
proviso.

be so constructed as not to be a material obstruction to navigation.

Duplicate  
filed with  
Secretary of  
State.

Sec. 42. Upon making the agreement mentioned in the preceding section, in the manner required therein, or filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the said section shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

When  
rights, fran-  
chises, etc.,  
to vest in  
new cor-  
poration.

Sec. 43. Upon the election of the first board of directors of the corporation created by said agreement, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner and to the same intent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporations; and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities, and duties of either company shall thenceforth attach to such new operation [corporation], and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities, and duties had been originally incurred by it.

Proviso.

Further  
proviso.

**Sec. 44.** Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said line as is common to both of them, by one of the companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the company that is not to construct the part of the line which is common to both, may alter and amend its articles of association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed in such amended articles of association. Nothing in this act shall be construed to release any chartered company from building any line of road which by its charter it is obligated to build, or to transfer to any other company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

**Sec. 45.** Whenever the death of a person shall be caused by wrongful act, neglect, or default of any railroad company or its agents, and the act, neglect, or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the railroad corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person so injured, and although the death shall have been caused under such circumstances as amount in law to felony.

**Sec. 46.** Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of damages limited to \$5,000.

Proviso.

as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person: *Provided*, That any such action shall be commenced within two years of the death of such person: but nothing herein contained shall effect [affect] any suit or proceedings heretofore commenced and now pending in any of the courts of this State.

Penalty for  
selling false  
stock, etc.

Sec. 47. If any president, secretary, or other officer of any railroad corporation within this State shall willfully, and with intent to defraud said corporation or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison, at hard labor, not less than three years.

Checking of  
baggage.

Sec. 48. A check shall be fixed to every parcel of baggage when taken for transportation, by the agent or servant of such corporation, if there is a handle, loop, or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action: and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Owner of  
baggage  
witness as to  
contents and  
value.Sale of un-  
claimed  
baggage.

Sec. 49. Every company which shall have unclaimed freight, not perishable, or unclaimed baggage in its possession, for a period of one year of [or] more, may sell the same at public auction, and out of the proceeds may retain the charge of transportation and storage thereof, and the expenses of advertising

and sale thereof. Notice of such sale shall be published at least once in each week, for six successive weeks previous to such sale, in a newspaper in each county through which such road runs, in which a newspaper is published, which notice shall specify the time and place of such sale, and also the name of the consignee of such freight or baggage, if the same is marked on the packages, and a general description of the same, and the expenses of advertising shall be a lien on such freight or baggage, in a ratable proportion, according to the value of each article, package, or parcel, if more than one. In case such unclaimed freight or baggage shall be in its nature perishable, then the same may be sold as soon as may be after giving such notice of such sale as the nature of the case will permit, in the city, township, or village where the same may be, not exceeding six weeks; such company shall make a record of the balance of the proceeds of the sale, if any, of the freight or baggage owned by or consigned to the same person, as near as can be ascertained, and at any time within two years thereafter shall refund any surplus so retained, to the owner of such freight or baggage, his heirs, executors, administrators, or assigns, on satisfactory proof of such ownership.

Sec. 50. This act may at any time be altered, amended, or repealed, but such alteration, amendment, or repeal shall not affect the rights of property of companies organized under it; nor shall the dissolution of any such company take away or impair any remedy given for or against such corporation, its stockholders, or officers, for any liability which shall have been previously incurred; and the provisions of this act shall apply to all companies incorporated or existing under the act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, and the several acts amendatory thereof.

Sec. 51. It shall be competent for all railroad tunnel companies organized under this act to construct tunnels under the

<sup>Rights and  
privileges of  
tunnel  
companies.</sup> waters of this State, to extend the railroad track or tracks which they may lay through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of the way over, or under, or across any private property, in the same manner as herein provided for acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the right to cross and use such portion of any street as may be found necessary; and to raise money, shall have the same authority as is herein conferred upon railroad companies to issue and sell bonds, and secure their payments by deeds of trust; and for all such purposes the said railroad tunnel companies shall have the same rights as railroad companies organized under this act.

<sup>Aid for same  
from railroad  
companies.</sup> Sec. 52. Any such tunnel company shall have the right to negotiate with any railroad company which may connect with its tunnel, for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties; which aid may be given by subscription to capital stock, or by guaranteeing bonds, or by both, or by a lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable the said companies to procure the requisite means.

<sup>Compensa-  
tion for use  
of tunnel,  
etc.</sup> Sec. 53. The said companies shall have the right to charge such fair compensation for the use of its said road and tunnel by the railroad companies, or horse railroad companies, whose business shall pass along and through it, as shall be found by experience requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as will furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.

Sec. 54. All railroad companies whose tracks may connect with such tunnels shall have the right to send their business through them upon such terms as shall be just and fair, and the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor or against the business of any connecting road.

Sec. 55. All acts and parts of acts contravening any of the provisions of this act are hereby repealed; but all proceedings pending, and all rights and liabilities existing, acquired, or incurred at the time this act takes effect, are hereby saved, and such proceedings may be consummated under and according to the law in force at the time such proceedings were commenced, or they may be abandoned, and new proceedings taken under this act. Nothing in this section contained shall be construed as in any manner affecting the franchises or privileges heretofore by law granted to the Paw Paw Railroad company.

Sec. 56. All penalties incurred under this act, when not otherwise provided for, may be sued for in the name of the people of the State of Michigan, and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace.

Sec. 57. This act shall take immediate effect.

Approved April 18, 1871.

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[ No. 196. ]

AN ACT to amend sections one thousand six hundred and sixty-two and one thousand six hundred and sixty-three of the compiled laws, being sections two and three of the act entitled "Of the manufacture and sale of intoxicating drinks as a beverage," approved February third, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* sections one thousand six hundred and sixty-two and one thousand six hundred and sixty-three of the compiled laws,

Privilages of  
railways in  
the use of  
tunnels.

Repeal of  
contraven-  
ing acts.

Paw Paw  
R. R. Co.  
excepted.

Suits for  
penalties.

Sections  
amended.

being sections two and three of the act entitled "Of the man-  
facture and sale of intoxicating drinks as a beverage," approved  
February third, eighteen hundred and fifty-five, be and the  
same is hereby amended so as to read as follows:

Liquors unlawfully sold not a legal consideration.

Money paid therefor recovered.

Sales, mortgages, etc., void.

Exception.

Unlawful sale of liquors a bar to suit upon contract in certain cases.

Set-offs.

Who may bring actions for actual and exemplary damages.

(1662.) Sec. 2. All payments for such liquors hereafter made in violation of law shall be considered as having been received without consideration, and against law and equity, and all money or other property paid therefor may be recovered by the person so paying the same, his wife, or any of his children, or his parent, guardian, husband, or employer, and all sales, transfers, grants, releases, quit-claims, surrenders, mortgages, pledges, and attachments of real or personal estate, and liens and securities thereon, of whatever name or nature, and all contracts or agreements relating thereto, hereafter made, the consideration whereof, either in whole or in part, shall have been the sale or agreement to sell any such liquor, shall be utterly null and void against all persons and in all cases, excepting only as against the holders of negotiable securities or the purchasers of property who may have paid therefor a fair price, and received the same upon a valuable and sufficient consideration, without notice or knowledge of such illegal consideration; nor shall any suit at law or in equity be had or maintained upon any contract or agreement whatever, hereafter made, the consideration whereof shall be either wholly or in part the sale of such liquors in violation of law, excepting only when such suit is brought by such *bona fide* holders of negotiable paper, or purchase of property without notice; nor shall any demand arising upon any such contract or agreement whatever be offered or allowed as a set-off or defense in any action. That every wife, child, parent, guardian, husband, or other person, who shall be injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, shall have a right of action in his or her own name against any person or persons who shall, by selling or giving any intoxicating liquor or

otherwise, have caused or contributed to the intoxication of such person or persons; and in any such action the plaintiff shall have a right to recover actual and exemplary damages. And the owner or lessee, or person or persons, renting or <sup>Owner, etc.,  
of building,</sup> easing any building or premises, having knowledge that intox- <sup>Jointly liable.</sup> icating liquors are to be sold therein at retail as a beverage, shall be liable, severally or jointly, with the person so selling <sup>Evidence of  
relationship.</sup> or giving intoxicating liquors, as aforesaid. And in every action by any wife, husband, parent, or child, general reputation of the relation of husband and wife, parent and child, shall be *prima facie* evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property. Any sale or gift of intoxicating liquors by <sup>Forfeiture of  
lease for sale  
or gift of  
liquors.</sup> the lessee of any premises, resulting in damage, shall, at the option of the lessor, work a forfeiture of his lease; and the circuit court in chancery may enjoin the sale or giving away <sup>Lessee may  
be enjoined.</sup> of intoxicating liquors by any lessee of premises which may result in loss, damage, or liability, to the lessor or any person aiming under such lessor.

(1663.) Sec. 3. If any person, by himself, his clerk, agent, <sup>Penalties.</sup> servant, shall, directly or indirectly, sell or keep for sale, contrary to law, any such liquor, he shall forfeit and pay, on the first conviction, twenty-five dollars and the costs of suit or prosecution, and shall be at once committed to the common jail of the county until the same be paid. On the second conviction of the like offense, he shall forfeit and pay fifty dollars and the costs of suit or prosecution, and shall be committed as aforesaid until the same be paid. On the third and every subsequent conviction, he shall forfeit and pay one hundred dollars and costs, and shall, in addition to such forfeiture, be imprisoned in such jail not less than three nor more than six months: *Provided*, That on a first or second conviction, such <sup>Proviso.</sup> person shall not be committed for more than three months from the date of the conviction: *Provided*, That it shall in <sup>Further  
proviso.</sup> case be any defense that the person has been before con-

## Penalties.

victed one or more times, but he may be prosecuted at any time, or any number of times, as for a first offense, if the several prosecutions are for distinct offenses. Any person who shall be drunk or intoxicated in any hotel, tavern, inn, saloon or place of public business, or in any assemblage of people collected together in any place for any purpose, or in any street, lane, alley, highway, or railway car, by drinking intoxicating liquors, shall, on conviction thereof, be punished by a fine of five dollars and the costs of prosecution, or be punished by imprisonment in the common jail of the county not exceeding twenty days, or by both such fine and imprisonment in the discretion of the court.

Sec. 2. This act shall take immediate effect.

Approved April 20, 1871.

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[ No. 197. ]

AN ACT to add certain sections to the general railroad law.

Sections added.

SECTION 1. *The People of the State of Michigan enact,* That chapter sixty-seven, of the compiled laws, entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, be amended by adding thereto four new sections, to stand as sections sixty-seven, sixty-eight, sixty-nine, and seventy, as follows:

Privileges of  
tunnel com-  
panies.

Sec. 67. It shall be competent for all railroad tunnel companies organized under this act to construct tunnels under the waters of this State, to extend the railroad track or tracks which they may lay through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of way over, or under, or across any private property, in the same

manner as herein provided for the acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the right to cross and use such portion of any street as may be found necessary ; and, to raise money, shall have the same authority as is herein conferred upon railroad companies to issue and sell bonds, and secure their payment by deeds of trust ; and for all such purposes the said railroad tunnel companies shall have the same rights as railroad companies organized under this act.

Sec. 68. Any such tunnel company shall have the right to negotiate with any railroad company which may connect with its tunnel, for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties ; which aid may be given by subscription to capital stock, or by guaranteeing bonds, or by both, or by a lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable the said companies to procure the requisite means.

Sec. 69. The said companies shall have the right to charge such fair compensation for the use of its said road and tunnel by the railroad companies or horse railroad companies whose business shall pass along and through it, as shall be found by experience requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as will furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.

Sec. 70. All railroad companies whose tracks may connect with such tunnels shall have the right to send their business through them upon such terms as shall be just and fair, and

Privileges of  
railroads in  
the use of  
tunnels.

the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor of or against the business of any connecting road.

Sec. 2. This act shall take immediate effect.

Approved April 20, 1871.

# JOINT RESOLUTIONS.

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[ No. 1. ]

**JOINT RESOLUTION** to modify and confirm the action of the Railroad Board of Control in relation to the forfeited lands of the Marquette and Ontonagon railroad company, and to confer said lands on the Houghton and Ontonagon railroad company.

*Whereas*, The Railroad Board of Control, in exercise of the power vested in them by joint resolution entitled "Joint resolution to forfeit the lands granted to the Marquette and Ontonagon railroad company, and to confer the lands on some other company," approved March thirtieth, in the year of our Lord eighteen hundred and sixty-nine, did, on or about the nineteenth day of April, in the year of our Lord eighteen hundred and seventy, confer on the Houghton and Ontonagon railroad company all the lands forfeited by the said Marquette and Ontonagon railroad company, by reason of their non-compliance with the requirements of said joint resolution and the several acts of Congress relating to the grant of said lands to the State of Michigan;

*And whereas*, Said Houghton and Ontonagon railroad company were, by the terms of the resolution of said Board of Control conferring said lands upon them, required to give security for the completion of their road "according to law," as a condition precedent to their receiving said grant;

*And whereas*, The provisions of said joint resolution of March thirtieth, in the year of our Lord eighteen hundred and sixty-nine, if applied to said Houghton and Ontonagon

railroad company, impose upon them requirements which are physically impossible for them to comply with;

*And whereas,* The time limited in the several acts of Congress for the completion of said road has nearly expired: therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the action of the Board of Control, so far as it relates to the conferring said forfeited lands on the said Houghton and Ontonagon railroad company on the said nineteenth day of April, in the year of our Lord eighteen hundred and seventy, be and the same is hereby ratified and confirmed without the conditions imposed by said board.

*And be it further resolved,* That the lands forfeited by the said Marquette and Ontonagon railroad company are conferred on the said Houghton and Ontonagon railroad company, subject only to all the conditions, restrictions, and requirements contained in the several acts of Congress relating to the grant of said lands to the State of Michigan: *Provided,* That in case the said Houghton and Ontonagon railroad company shall fail to complete and put in good running order ten continuous miles of its road on or before the thirty-first day of December, eighteen hundred and seventy-one, or shall fail to complete and put in good running order thirty continuous miles of said road on or before the thirty-first day of December, eighteen hundred and seventy-two, the Railroad Board of Control may, in their discretion, at any time before the meeting of the next Legislature, upon either of such failures, declare said grant forfeited as to that portion of said road not so completed, and confer the same upon some other company.

*And be it further resolved,* That upon the completion of any section of said Houghton and Ontonagon railroad, of twenty or more continuous miles, the said company shall be entitled to receive the lands belonging to such section so completed, in the manner provided by an act entitled "An act to authorize the issuing of patents for certain railroad lands in

the Upper Peninsula," approved March eighth, eighteen hundred and sixty-five, and upon the completion of any additional section or sections of ten or more continuous miles of their road, the said company shall be in like manner entitled to receive the lands belonging to the section or sections so completed.

This resolution shall take immediate effect.

Approved January 24, 1871.

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[ No. 2. ]

JOINT RESOLUTION requesting and urging our Senators and Representatives in Congress to ask an appropriation from Congress to repair and improve the harbor and ship canal at Monroe, in the county of Monroe, State of Michigan.

*Whereas*, The harbor at the mouth of the river Raisin and ship canal at Monroe, in the county of Monroe, is the only port our State has upon Lake Erie, and the same is necessary and valuable commercially, as giving water communication eastward for Southern Michigan, and from several important railroads approaching the lake at Monroe, and also as a harbor of refuge in storms, when the Detroit and Maumee rivers cannot be entered;

*And whereas*, The city of Monroe, in the county of Monroe, and the citizens thereof, have, at great expense, recently widened and deepened the river Raisin and ship canal to a depth sufficient to admit first-class steam and sail vessels to and from the lake;

*And whereas*, The piers at the eastern end of the ship canal at the lake should be so repaired and extended by the government as to improve the entrance of the harbor, and render it more safe and accessible in stress of weather; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators and Representatives

in Congress be and are hereby requested to use their best endeavors to secure an appropriation of fifty thousand dollars to aid in constructing a suitable breakwater at the mouth of said canal, and extending the piers of the canal farther into the lake.

*Resolved*, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress, and urge the appropriation of the said amount to this object.

Approved January 24, 1871.

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[ No. 3. ]

JOINT RESOLUTION making an appropriation of three hundred and thirty-nine dollars and fifty cents for parchment for the Roll of Honor, and for ruling and binding the same, in accordance with the joint resolution approved April third, eighteen hundred and sixty-nine.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the further sum of three hundred and thirty-nine dollars and fifty cents, in addition to the sum of one thousand dollars provided by the joint resolution approved April third, eighteen hundred and sixty-nine, be and the same hereby is appropriated out of the general fund for the purchase of parchment for the Roll of Honor provided by said joint resolution approved April third, eighteen hundred and sixty-nine, and for ruling and binding the same; and that the Quartermaster General be and hereby is authorized to purchase said parchment, and to pay for the ruling and binding of said Roll of Honor, not exceeding the amount hereby appropriated.

This resolution shall take immediate effect.

Approved January 27, 1871.

## [No. 4.]

## JOINT RESOLUTION authorizing the Governor to sell ordnance and ordnance stores.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of this State be and he is hereby authorized and empowered to sell, for the best price he can obtain, all ordnance and ordnance stores and ammunition now on hand belonging to the State, excepting six ten-pounder rifled guns and the ammunition therefor, the moneys received from such sale to be placed to the credit of the State military fund: *Provided*, That this resolution shall not authorize the sale of the cannon, now at Coldwater city, belonging formerly to Company "A" (Loomis' Battery), First Regiment Michigan Light Artillery.

This resolution shall take effect immediately.

Approved January 27, 1871.

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## [ No. 5. ]

## JOINT RESOLUTION asking the Congress of the United States to make an appropriation for the completion of the harbor at the mouth of the Ontonagon river.

*Whereas*, The south shore of Lake Superior, for a distance of one hundred and fifty miles, has no accessible refuge for boats and vessels; and the mouth of the Ontonagon river, midway of such distance, is capable by a moderate outlay of being made an excellent harbor, and is the only point within such distance capable of being so made;

*And whereas*, The necessities of commerce on such lake require that a safe and accessible harbor should be speedily constructed at such place;

*And whereas*, The Congress of the United States, realizing the importance of such improvement, have appropriated a

portion of the amount estimated by the government engineer necessary for the construction of the same;

*And whereas also,* The amount already appropriated has been expended, and a further appropriation recommended by the engineer in charge, which further appropriation is necessary to meet the demands of the public, and to make useful the expenditure already incurred; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Congress of the United States be and they are hereby requested to make such appropriation for the harbor at the mouth of the Ontonagon river, in the Upper Peninsula of Michigan, as will be necessary to complete the work already begun by the general government; and that our Senators in Congress be instructed and our Representatives requested to use all honorable efforts to secure such appropriation.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 2, 1871.

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[ No. 6. ]

JOINT RESOLUTION asking the Congress of the United States to make an appropriation for the completion of the breakwater at Marquette, on Lake Superior.

*Whereas,* The rapidly increasing commerce of the port of Marquette, by reason of its being the only port on Lake Superior for the shipment of iron ore from mines now yielding a yearly product of over one million tons, giving employment to not less than one hundred and fifty vessels during the season of navigation, renders it necessary that said port should be provided with a safe harbor at as early a day as possible;

government has already appropriated money for the construction of a part of said harbor, all of which said amount has been most judiciously expended upon the direction of the government engineer; and further appropriation is necessary to complete the same, be it

*Senate and House of Representatives of the United States,*  
That the Congress of the United States be requested to make such further appropriation as may be necessary to complete the mouth of the Marquette harbor as recommended by the report of the government engineer, appear to be sufficient to complete the same, and that our Senators in Congress be requested to use their influence to secure the passage of such a resolution, and that our Representatives be requested to use their efforts to secure such an appropriation.

That his Excellency the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Dated February 2, 1871.

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[ No. 7.]

JOINT RESOLUTION asking Congress for an appropriation to aid in deepening and completing the channel between the waters of Lake Superior and the harbor of Eagle Harbor, in the State of Michigan.

Whereas, Congress has recognized the importance of, and made an appropriation to deepen and improve the channel between the harbor of Eagle Harbor and the waters of Lake Superior, and there remains unused of such appropriation about twenty-two thousand dollars (\$22,000), an amount insufficient to complete and finish said work;

And whereas, There remains about seven hundred and fifty cubic yards of rock to be blasted and removed from the bed

of said channel, which cannot be done for less than sixty dollars (\$60) per cubic yard ;

*And whereas,* The harbor of Eagle Harbor is one of the most important harbors of refuge connecting with Lake Superior, and yet dangerous to enter because of these obstructions: therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use all honorable means to procure a further appropriation from Congress of twenty-five thousand dollars (\$25,000), to fully complete said work.

*Resolved,* That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 14, 1871.

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[ No. 8. ]

JOINT RESOLUTION requesting the Representatives from this State in Congress to urge the passage by Congress of a bill now pending therein, to extend the time for the completion of the Flint and Pere Marquette railway.

*Whereas,* There is now pending in Congress a bill (being Senate bill number five hundred and seventy-four, of the second session of the Forty-first Congress), which has passed the Senate of the United States in the following words, viz:

“A bill to extend the time for the reversion to the United States of the lands granted by Congress to the State of Michigan, to aid in the construction of a railroad from Pere Marquette to Flint, in said State, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the time specified in the fourth section of the act of Congress,

approved June third, eighteen hundred and fifty-six, entitled 'An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes,' for the reversion to the United States of the lands granted by said act to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road, be and the same is hereby further extended for the period of five years from and after the passage of this act.

"Sec. 2. *And be it further enacted*, That the State of Michigan may authorize the sale of sixty sections of the land granted to aid the construction of said railroad from Pere Marquette to Flint, whenever and as often as the Governor of said State shall certify that ten additional miles of said railroad is completed and in running order as a first-class railroad: *Provided*, That said lands authorized to be sold as aforesaid shall include only lands situate opposite to and coterminous with the completed sections: *And provided*, That in case said railroad shall not be fully completed from Flint to Lake Michigan within the time as extended by this act, all the lands included in said grant, to which the right to sell shall not then have attached, shall revert to the United States;"

*And whereas*, The time now limited for the completion of said road will expire on the third day of June, eighteen hundred and seventy-one, unless renewed and extended by Congress; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Representatives in Congress from this State be and they are hereby respectfully requested to use their influence to procure the passage of said pending bill at this present session of Congress.

*Resolved*, That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Representatives in Congress.

Approved February 16, 1871.

[ No. 9. ]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to use their influence to secure the passage of a law providing for holding terms of the Courts of the United States at some point on the Saginaw river, and at some convenient point in the Upper Peninsula.

*Whereas*, The great increase of the commerce of the Upper Peninsula, and of the Saginaw river, and Saginaw Bay, and the west shore of Lake Huron originate many valid claims of the citizens of this State, of which the courts of the United States have exclusive jurisdiction, are lost by reason of the distances of the said courts at Detroit and Grand Rapids from the places where such claims may arise, or where the parties thereto may reside ;

*And whereas*, The great expense and loss of time incurred and suffered in attending such district tribunals is so great, by reason of such distance, as to be, in fact, a partial denial of justice to the people of those parts of the State ; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators and Representatives in Congress be requested to use their influence to secure the passage of a law of Congress providing for holding terms of the courts of the United States at some point on the Saginaw river, and at some convenient point in the Upper Peninsula.

*Resolved*, That the Governor be requested to immediately transmit copies of the foregoing resolution to our Senators and Representatives in Congress.

Approved February 24, 1871.

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[ No. 10. ]

JOINT RESOLUTION asking Congress for an appropriation to construct a light-house and fog-bells at the mouth of Little Traverse Bay, in the State of Michigan.

*Whereas*, The great and constantly increasing commerce of our inland lakes require a corresponding increase of harbors

of refuge, where vessels and steamers can anchor with safety during the severe storms so prevalent in the early spring and fall;

*And whereas,* Little Traverse Bay is a fine and convenient harbor for vessels and steamers wind-bound on Lake Michigan;

*And whereas,* Said harbor is at present without a light-house, fog-bell, or other means to enable captains or owners of vessels to enter the same in the night time; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use all honorable means to procure the necessary appropriation for the construction of a light-house and fog-bells at the mouth of said bay, under the superintendence of the Light-house Board.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 27, 1871.

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[ No. 11. ]

JOINT RESOLUTION instructing "the State Geological Board" to furnish information as to the suitableness of stone within our State for the construction of a State House.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the "State Geological Board" be instructed to call the attention of its "Director" to the subject of building material within our State suitable for the construction of a State House, and that he be required to furnish the requisite information upon the subject, showing the capabilities of the different stones to resist pressure, abrasion, and disintegration, under the action of frost and other meteoro-

logical agents: *Provided*, That no additional expense be made to the State.

Approved February 27, 1871.

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[No. 12.]

JOINT RESOLUTION asking the Congress of the United States for a grant of lands to aid in the construction of a railroad from the Straits of Mackinaw, via Marquette and the head of Keweenaw Bay, to the Montreal River.

*Whereas*, The country lying immediately south of Lake Superior, known as the "Upper Peninsula of Michigan," is without railroad communication with the States east, west, and south of it, and, so far as business and commerce are concerned, practically isolated from the rest of the world for six months of the year;

*And whereas*, The productions of said Upper Peninsula of Michigan are now of national importance,—aggregating a larger number of tons of iron ore and copper than any other mining district on the continent,—affording employment to nearly one-third the entire tonnage of the lakes, in supplying with ore the manufactories of Michigan, Ohio, Indiana, New York, Pennsylvania, and other States, and employing more laborers than any single interest of the Northwest, aside from that of agriculture;

*And whereas*, The territory lying between the Straits of Mackinaw and the Montreal River is a rough, mountainous, mining country, the lands of which are not arable, but covered with forests of hard wood capable of affording an almost unlimited supply of the best fuel for the smelting of iron ores;

*And whereas*, The said lands are of no immediate value, and cannot be utilized or made available until the iron ore and

wood can be brought together by means of a railroad running through them;

*And whereas,* The great expense of building and operating a railroad through this country prevents capitalists from undertaking such an enterprise, unless encouraged and assisted by a grant of lands along the proposed route;

*And whereas,* Congress has made grants of lands to aid in the construction of roads terminating on the north at the Straits of Mackinaw, and on the east at Montreal River, all of which roads are now in course of construction, leaving the territory lying between the points named unprovided for;

*And whereas,* A grant of lands sufficient to secure the construction of a railroad between the Straits of Mackinaw and the Montreal River will provide for and complete the proposed great northern through route between the Atlantic and Pacific oceans, thus making the work one of great national importance; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed and our Representatives urgently requested to use all honorable means to procure a grant of lands to the State of Michigan, to aid in the construction of a railroad from the Straits of Mackinaw, *via* Marquette and the head of Keweenaw Bay, to the Montreal River.

*Resolved,* That his Excellency the Governor be requested to transmit, at his earliest convenience, copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 27, 1871.

[ No. 13. ]

**JOINT RESOLUTION** instructing the Board of State Auditors  
to make a settlement with William P. Rathbone.

*Whereas*, William P. Rathbone, of the county of Wayne, sets forth in a petition by him signed, which petition was presented to the House January nineteenth, in the year of our Lord eighteen hundred and seventy-one, that heretofore, to wit: in the month of July, in the year of our Lord eighteen hundred and fifty-three, Moses Gunn purchased of the State of Michigan the following piece or parcel of land, situate in the township of Springwells, in the county of Wayne, and State of Michigan, known and described as lot number four (4) of the subdivision of the University lands, and known as the "ship-yard" tract, containing, as was then represented, forty and fifty-five-hundredths acres, and received, as evidence of such purchase from the State, certificate number eight hundred twenty-four, and that said Moses Gunn duly assigned said certificate, and all his rights therein, to Nancy I. Gould, on the twenty-first day of March, in the year of our Lord eighteen hundred and fifty-five, and that said Nancy I. Gould, by the name of Nancy L. Hawkes (she having changed her name by marriage), duly assigned said certificate, and all her rights therein, to your petitioner, William P. Rathbone, on the twenty-ninth day of June, in the year of our Lord eighteen hundred and sixty-seven; and that the survey by which the State sold said lot four (4) was erroneous (as was recognized by the Legislature of this State in joint resolution number seven, of session laws of eighteen hundred and sixty-three), and embraced a part of private claim seven hundred eighteen, which adjoined said lot on the east; and that said William P. Rathbone has been ejected from three and eighty-four-one-hundredths acres of said lot four, purchased of the State under said certificate eight hundred and twenty-four, as aforesaid; be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and instructed to make a just and equitable settlement with said William P. Rathbone for all lawful or equitable claims against the State, growing out of an erroneous survey or description of said lot four (4) furnished by State Land Commissioner at the time of making said sale : *And further,* If, on settlement, said Board of State Auditors shall find that said William P. Rathbone has sustained loss by said ejectment, or by reason of said error in description or survey, as above claimed, the said board shall report the amount to be so paid to the Commissioner of the State Land Office, as soon as may be, who is hereby instructed to endorse and credit such amount so reported as a payment on the purchase of said lot four : *Provided,* That any amount so awarded by said board to said Rathbone shall be, by the State Treasurer, when paid, charged to the University fund.

Approved February 27, 1871.

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[ No. 14. ]

**JOINT RESOLUTION** asking Congress for an appropriation of money to construct a breakwater for a harbor of refuge at Mackinaw City, in the Straits of Michilimackinac.

*Whereas,* The harbor of Mackinaw City, in the Straits of Michilimackinac, is one of the most important harbors in said straits ;

*And whereas,* A small amount of money judiciously expended in the construction of a breakwater at said place would make it at all times a safe and convenient harbor for vessels engaged in the commerce of our lakes ;

*And whereas,* Over thirty vessels and steamers of all classes were wrecked or disabled in and around said straits, in the

fall of eighteen hundred and sixty-nine, and a more or less number annually; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use all honorable means to procure an appropriation of money to construct a breakwater for the improvement of said harbor.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 27, 1871.

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[ No. 15. ]

JOINT RESOLUTION requesting and urging our Senators and Representatives in Congress to ask from Congress a grant of the United States arsenal and grounds at Dearborn, in the county of Wayne, in the State of Michigan, for State arsenal and military purposes.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators be instructed and our Representatives in Congress be requested to use their influence to obtain from Congress a grant to this State of the "United States arsenal" and grounds at Dearborn, in the county of Wayne, in the State of Michigan, for the use of State arsenal and military purposes.

*Resolved,* That the Governor be requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress, and urge the aforesaid grant for the purpose aforesaid.

Approved March 6, 1871.

[ No. 16. ]

**JOINT RESOLUTION** authorizing the Commissioner of the State Land Office to issue a certificate of sale of certain primary school land to Liman Heath, of St. Clair county, Michigan.

*Whereas*, Liman Heath, of St. Clair county, Michigan, is the owner of all the rights conferred upon Mathew Ray, by certificate number six thousand five hundred and sixty-seven (6567), issued by Jerome M. Treadwell, Deputy Commissioner of the State Land Office, bearing date the third day of September, eighteen hundred and fifty-six; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office, or other proper officer, be and he is hereby authorized, instructed, and directed to execute and deliver to said Liman Heath, his heirs or assigns, a certificate of purchase of the lands described in said certificate, providing therein for the payment of the amount due the State thereon, with interest according to law: *Provided*, That before such certificate shall be so issued, the former certificate, issued to said Mathew Ray, dated September third, eighteen hundred and fifty-six, shall be surrendered to the Commissioner of the State Land Office.

Approved March 6, 1871.

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[ No. 17. ]

**JOINT RESOLUTION** providing for the distribution of the highway laws to certain county and township officers.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be and is hereby instructed to compile and procure, to be printed in pamphlet form, all laws of this State now in force, and those

that may be passed by this Legislature at its present session, relative to highways, and the duties of commissioners and overseers of highways, and that he forward to each of the county clerks a sufficient number of copies of said laws to furnish one copy of each to the county clerk and county treasurer, and to each township clerk, highway commissioner, and overseer of highways in each organized township in this State.

This resolution shall take immediate effect.

Approved March 18, 1871.

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[ No. 18. ]

**JOINT RESOLUTION** to refund certain moneys heretofore expended by the State Agricultural Society for the benefit of the State Normal School.

*Whereas*, During the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, the State Agricultural Society expended the sum of three thousand two hundred and fifty dollars in constructing a brick edifice on the grounds of the State, possessed by the State Normal School, in the city of Ypsilanti, State of Michigan;

*And whereas*, In the year of our Lord one thousand eight hundred and sixty-eight, at the request of the officers of the State Normal School, and for its benefit, the State Agricultural Society, by a resolution, ordered its officers to transfer to said School the said improvements, and it was so done;

*And whereas*, Such expenditure of money and transfer of the benefits thereof to said School was at a time when said society were possessed of surplus funds, and desired to place them for the benefit of the State, in the hope that if the

society should thereafter need the proceeds thereof without interest, it might justly ask its return;

*And whereas,* From various causes beyond the control of the officers of the society, it is now unable to meet its just obligations without securing the return of the said money so expended for the State; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the sum of three thousand two hundred and fifty dollars be and the same is hereby appropriated to the State Agricultural Society, and that the Treasurer of said State is instructed to pay the same to the treasurer of said State Agricultural Society.

Approved March 18, 1871.

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[ No. 19. ]

JOINT RESOLUTION requesting our members in Congress to use their influence in procuring the passage of an act permitting actual settlers locating lands under the homestead laws to make all necessary affidavits and proof of settlement of said lands before the county clerk of the county in which said lands applied for are situated.

*Whereas,* Government lands located during years past, and that may be in the future, average a long distance from the land offices of this State;

*And whereas,* Settlers securing lands under the homestead laws are at large expense in going to the land offices, and in taking their witnesses before the proper officers thereof, for the purpose of making the affidavits and proofs required by the homestead act;

*And whereas,* Said settlers are generally poor and needy;

*And whereas,* The expense of locating lands under said act should be reduced as far as practicable; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use all proper efforts for the passage of a law permitting persons locating lands under the homestead act to make all necessary affidavits and proof of settlement and cultivation required by said act, before the county clerk of the county in which the lands applied for are situated.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 18, 1871.

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[ No. 20. ]

JOINT RESOLUTION relative to the distribution of the laws, journals, documents, and joint documents of the session of the Legislature for the year eighteen hundred and seventy-one.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby authorized and directed to forward one copy each of the laws, general and local, and the journals of the two Houses, and documents, joint documents, and one copy of the compiled laws of eighteen hundred and seventy-one, to each of the members and officers of both Houses, directing the same to the county clerks of the several counties in which the members and officers reside, as soon as they are ready for delivery.

Approved March 29, 1871.

[ No. 21. ]

JOINT RESOLUTION for the payment of printing done by  
Harvey B. Rowlson.

*Whereas*, Harvey B. Rowlson, of Hillsdale, Michigan, published the list of lands to be sold for taxes in the county of Hillsdale, for the year of our Lord one thousand eight hundred and seventy, in the Hillsdale Standard, such printing amounting to the sum of twenty-seven dollars and sixty cents;

*And whereas*, Section eighty-one, of act number one hundred and sixty-nine, laws of the year of our Lord one thousand eight hundred and sixty-nine, requires that all such bills shall be presented to the Auditor General, with proof of publication of such tax-list, within thirty days after the last publication thereof;

*And whereas*, In this case the same was not so presented within the said thirty days; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be authorized to pay such bill, on proof of the printing said tax-list as required by said act, the same as though said bill had been presented during the time limited by said act.

Approved March 29, 1871.

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[ No. 22. ]

JOINT RESOLUTION to pay over to the Grand Rapids and Indiana railroad company certain moneys collected by the agent of the State Land Office from trespassers upon the lands of said company.

*Whereas*, During the years between eighteen hundred and fifty-nine and eighteen hundred and seventy, the agent employed by the State Land Office did collect, amongst other sums, and pay into the State treasury, certain moneys from

trespassers upon the lands of the Grand Rapids and Indiana railroad company; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby directed to audit and allow said railroad company the amount of moneys so collected and paid into the State treasury (less the expenses incident to such collection), upon proof satisfactory to said board that such moneys were collected from trespasses actually committed upon the lands of said railroad company, the title to which has become vested in said company.

*Resolved further,* That when such amount shall have been ascertained and audited, said board shall certify to the Auditor General the amount thereof, who shall draw his warrant upon the State Treasurer, payable to the order of the land commissioner of said railroad company, and said Treasurer shall pay the same out of the fund to which said moneys may have been credited: *Provided,* That said company shall not be indebted to the State for specific State tax, or otherwise.

Approved March 29, 1871.

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[ No. 23. ]

**JOINT RESOLUTION** instructing the Senators and Representatives of the State of Michigan in Congress, relative to Indian reservations.

*Whereas,* Under a treaty made and concluded in eighteen hundred and fifty-five, between the United States and the Ottawa and Chippewa Indians of Michigan, a large quantity of public lands in the counties of Leelanaw, Emmet, Cheboygan, Mackinac, Chippewa, Oceana, Muskegon, and Mason, in the State of Michigan, were withdrawn from sale for the benefit of

said Indians, and the said Indians were allowed until eighteen hundred and sixty-six to select, and also to purchase, such descriptions of said lands as they were entitled to by the terms of said treaty;

*And whereas,* More than four years have elapsed since the expiration of the time granted to the said Indians as aforesaid, and the said Indians having made their selections and purchases under the said treaty, still the United States have neglected to patent the lands so selected and purchased, and restore the balance of said lands to market;

*And whereas,* By this neglect a large body of this land, unselected and not purchased by said Indians, is kept out of market, the Indians deprived of their rights in the lands so selected and purchased by them, the settlement of the counties greatly retarded, nearly half the counties remaining unsettled and untaxable, to the great injury of the citizens of said counties; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Senators and Representatives of the State of Michigan in Congress be requested to use their influence for the immediate adoption of such measures as will speedily secure the patenting of the lands so selected and sold, and the remainder of said lands be immediately restored to market.

*Resolved,* That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress, and urge their action thereon.

Approved March 29, 1871.

[ No. 24. ]

**JOINT RESOLUTION** providing for letting to the lowest bidder, contracts to supply the State Prison and State Reform School with goods manufactured in this State, composed of wool, or partly of wool and partly of cotton.

*Whereas*, It is claimed by manufacturers in various parts of this State, that the supplying of cloth for the use of the State Prison in this State is so conducted as to deprive them of a fair competition to furnish the same; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the agent of the State Prison be required to give public notice for six successive weeks, in some weekly newspaper published in the city of Jackson, and one of the daily papers published in the city of Detroit, printed in the English language, having the largest circulation, fixing therein the description of material, quality, and quantity of cloth required by said Prison from time to time, and the time for receiving sealed proposals for supplying said goods, and the prices for furnishing the same; at the time fixed in said notice, the sealed proposals shall be opened and publicly announced at the office of said State Prison, and the contract awarded therefor to the lowest responsible bidder. In like manner, the contracting agent of the Reform School shall be required to advertise in some weekly newspaper published in the city of Lansing, having the largest circulation, giving description of material, quality, and quantity of cloth required by said Reform School from time to time, and the time for receiving sealed proposals for supplying said goods, and the prices for supplying the same; at the time fixed in said notice the proposals shall be opened at the office of the Reform School, and publicly announced, and the contract therefor awarded to the lowest responsible bidder. And the agents advertising for the proposals to furnish goods are hereby required to furnish, so far as they may know, each woolen manufacturer within this State a copy of the paper containing such advertisement:

*And provided further,* That the said person or persons, or board of officers, shall have the right to reject any and all of said bids or proposals, if in their judgments the public interest will be subserved thereby.

This resolution shall take immediate effect.

Approved March 29, 1871.

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[ No. 25.]

**JOINT RESOLUTION** authorizing the Commissioner of the State Land Office to issue two certificates of primary school land to Patrick Daily.

*Whereas,* Patrick Daily, of Lansing city, Ingham county, is the owner of all the rights conferred upon Joseph C. Baily and Charles S. Hunt by certificates number ten hundred and thirty-eight L and ten hundred and thirty-nine L, issued by the Commissioner of said State Land Office; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be and he is hereby authorized and directed to execute and deliver to said Patrick Daily, his heirs or assigns, two certificates of purchase of the lands described in said certificates number ten hundred and thirty-eight L and ten hundred and thirty-nine L, providing therein for the payment of the amount due the State thereon, with interest according to law: *Provided,* That before such certificates shall be issued, the former certificates issued to Messrs. J. C. Baily and Charles S. Hunt, numbered ten hundred and thirty-eight L and ten hundred and thirty-nine L, shall be surrendered to the Commissioner of the State Land Office.

This resolution shall take immediate effect.

Approved March 29, 1871.

[ No. 26. ]

JOINT RESOLUTION authorizing a temporary suspension  
of payment of State bounties.

*Whereas*, It appears that certain irregularities have occurred in the office of the Quartermaster General of this State, and certain payments of bounties been made which were not authorized by law ; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That all officers of this State whose duty it is to pay or provide funds for the payment of any and all State bounties, are hereby required to suspend the payment of the same until the books and records relating to the payment thereof can be fully examined by the proper officers, whose duty it shall also be to examine said books and papers as speedily as possible.

Approved April 8, 1871.

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[No. 27.]

JOINT RESOLUTION relative to the purchase, by the State of Michigan, of block one hundred and fifteen in the city of Lansing.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the sum of three thousand four hundred and thirty-seven dollars be and is hereby set over from the general fund to the primary school fund, for the purchase of block one hundred and fifteen in the city of Lansing, State of Michigan, the title to which shall be held by the State until otherwise directed, for the benefit of the State building fund.

*Resolved*, That this resolution shall take immediate effect.

Approved April 8, 1871.

[ No. 28. ]

JOINT RESOLUTION for the relief of Richard Thorne.

*Whereas*, Richard Thorne, of Muskegon county, on the first day of February, in the year of our Lord one thousand eight hundred and sixty-seven, purchased the north half of the north-east quarter and the south-east quarter of the north-east quarter of section sixteen, in township nine north, of range sixteen west, in said county, and obtained primary school land certificate number nine thousand one hundred and thirty-eight;

*And whereas*, The said Richard Thorne, on the first day of March in said year, assigned an undivided one-half interest in said land and certificate to Fletcher Fowler;

*And whereas*, Said land was, on the first day of May, in the year of our Lord one thousand eight hundred and sixty-eight, forfeited for the non-payment of interest;

*And whereas*, An amount of money sufficient to pay the interest, forfeiture, charges, and taxes on said land was deposited by said Thorne and Fowler with the State Treasurer on the seventeenth day of February, in the year of our Lord one thousand eight hundred and sixty-nine;

*And whereas*, It is claimed by said Thorne and Fowler that the sale of said land on the twelfth day of March, in the year of our Lord one thousand eight hundred and sixty-nine, to Orlando B. Grinnell, was not in accordance with the requirements of law; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the board of State Auditors be and are hereby authorized to examine such books and papers and hear such evidence as either party interested in said land may desire to present, said board having first given notice to said parties of the time of said hearing; and if it shall appear to said board upon such hearing that said land was improperly sold to said Orlando B. Grinnell, and that said Thorne and Fowler

are entitled to the same, said board is also hereby authorized and directed to certify their determination to the Commissioner of the State Land Office, and the said Commissioner shall thereupon cancel the certificate heretofore issued to said Grinnell, and refund the money paid by him for said land, and issue a new certificate to said Richard Thorne and Fletcher Fowler for the same, said Thorne and Fowler having first paid into the State treasury all moneys due the State for interest, forfeiture, charges, and taxes on said land since the date of the purchase of the same by said Thorne.

Approved April 13, 1871.

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[ No. 29. ]

JOINT RESOLUTION authorizing the sale of certain land belonging to the Michigan State Prison, in the county of Jackson.

*Whereas*, It appears from an abstract of the records of the board of inspectors of the State Prison, that application has been made to the said board for the purchase of a piece of land deeded to the Prison December fourteenth, eighteen hundred and forty-six, by Jeremiah Marvin and wife, said land lying on sections twenty-six and twenty-seven, town two south, of range one west, and that the board having examined the said land, do recommend a sale thereof, provided a satisfactory price can be obtained for the same;

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the board of inspectors of the State Prison be authorized to sell and convey the said land: *Provided*, Such a price shall be obtained for the same as shall in their judgment be just and satisfactory; and that the said board in making such sale shall reserve the right to the own-

ership and disposition of all stone suitable for building purposes that may be found upon the said land.

*And be it further resolved,* That the agent of the State Prison be authorized and required to execute and deliver a proper conveyance thereof, upon the terms and conditions agreed upon by said board of inspectors.

Approved April 13, 1871.

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[No. 30.]

**JOINT RESOLUTION** instructing the Auditor General to discharge certain mortgages.

*Whereas,* Under the act entitled "An act to organize and regulate banking associations," approved March fifteenth, one thousand eight hundred and thirty-seven, and amended December thirtieth, one thousand eight hundred and thirty-seven, many mortgages were executed to the Auditor General of the State of Michigan to secure the payment of all indebtedness of banks organized under said act;

*And whereas,* The Supreme Court, in Green *vs.* Graves, 1 Douglas, 351, declared said act unconstitutional and void;

*And whereas,* Said mortgages are clouds on the title of the lands described in said mortgages;

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby instructed to discharge all mortgages given to the Auditor General of the State of Michigan under section eleven (11), act number forty-seven, of the laws of one thousand eight hundred and thirty-seven, and also under section sixteen (16), act number thirteen (13), of the laws of one thousand eight hundred and thirty-seven, upon application of the owner of any land so mortgaged.

This resolution shall take immediate effect.

Approved April 15, 1871.

[ No. 31.]

**JOINT RESOLUTION** proposing an amendment to the constitution of the State of Michigan, by adding a new section to article nineteen-a, "Of railroads," to stand as section three (3) of said article.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the following amendment to the constitution of the State of Michigan be and the same is hereby proposed, to stand as section three (3), of article nineteen-a (19-a), "Of railroads:"

Sec. 3. The Legislature shall provide by law for the payment by the counties, townships, and municipalities of this State, of all bonds or other obligations heretofore issued and negotiated, and the purchase price thereof realized previous to the twenty-seventh day of May, in the year of our Lord one thousand eight hundred and seventy, in pursuance of acts of the Legislature, by such counties, townships, and municipalities, severally, for and in aid of any railroad company: *Provided*, That such bonds or obligations shall be paid by the county, township, or municipality issuing or incurring the same, and in no event shall the State pay or become liable for any portion of such bonds or obligations: *And provided further*, That no county, township, or other municipality shall be required to pay any such bonds unless the question of payment shall be first submitted to the electors of such county, township, or other municipality, at an election to be appointed for that purpose, and a majority of the votes cast at such election shall be in favor of such payment: *And provided further*, That no elector shall be entitled to vote at such election who has not resided in the county, township, or municipality three months next preceding said election.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election, to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and seventy-two, as provided in section

one, article twenty, of the constitution ; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, in the same manner that he is now required by law to do in the case of an election of a Governor and Lieutenant Governor ; and the inspectors of elections in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting at said election for said amendment shall have written or printed on his ballot the words : “Amendment providing for the payment of bonds issued and negotiated, and the purchase price thereof realized prior to the twenty-seventh day of May, eighteen hundred and seventy, by the counties, townships, and municipalities issuing the same, for and in aid of any railroad company—Yes.” And each person voting against it, the words: “Amendment providing for the payment of bonds issued and negotiated, and the purchase price thereof realized prior to the twenty-seventh day of May, eighteen hundred and seventy, by the counties, townships, and municipalities issuing the same, for and in aid of any railroad company—No.” The ballots shall in all respects be canvassed and returns be made as in elections of Governor and Lieutenant Governor.

Approved April 15, 1871.

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[ No. 32. ]

**JOINT RESOLUTION** to authorize the Governor to convey the north-east quarter of the north-west quarter of section number sixteen, in township number one north, of range number four west, to John G. Estell, assignee of primary school land certificate number six thousand one hundred and fifty-one.

Whereas, on the seventeenth day of July, in the year of our Lord eighteen hundred and fifty-five, primary school land cer-

tificate number six thousand one hundred and fifty-one was issued by Allen Goodridge, then Deputy Commissioner of the State Land Office of the State of Michigan, for the sale of the north-east quarter of the north-west quarter of section number sixteen, in township number one north, of range number four west, to William Cashar;

*And whereas,* On the twentieth day of July, in the year of our Lord eighteen hundred and fifty-five, the said William Cashar duly assigned, in writing, said certificate to James Baird, conditionally;

*And whereas,* On the twentieth day of June, in the year of our Lord eighteen hundred and fifty-seven, said certificate was assigned in writing, as aforesaid, and unconditionally, by said James Baird to Asa H. Nichols, and thereafter, and on the twelfth day of April, in the year of our Lord eighteen hundred and fifty-eight, assigned, as last aforesaid, by said Nichols to John A. Miller, and on the fifteenth day of April, in the year of our Lord eighteen hundred and sixty-four, assigned, as last aforesaid, by said Miller to Elisha L. Starkweather, and thereafter, and June twenty-ninth, eighteen hundred and sixty-five, duly assigned, as last aforesaid, by said Starkweather to James Hall, and thereafter, and November sixteenth, eighteen hundred and sixty-five, duly assigned, as last aforesaid, by said Hall to John G. Estell, who is now owner and occupier of said land;

*And whereas,* After the assignment above mentioned by said William Cashar to said James Baird as aforesaid, he, the said Cashar, did execute a written assignment of said certificate to Joel H. Overholtzer, who subsequently and shortly thereafter deceased;

*And whereas,* It appears that the conditions upon which the said assignment by said Cashar to said Baird, and upon the performance of which the said last mentioned assignment was to become invalid and of no effect, have never been performed, and said assignment never been invalidated, although the time for such performance has long since elapsed;

*And whereas,* It appears that the said assignment from William Cashar to said Joel H. Overholtzer was made upon condition and with the understanding and agreement that said Overholtzer should pay and perform the conditions imposed by such last mentioned assignment, thereby perfecting and completing the said assignment from said Cashar to said Overholtzer, which has not been performed, or any part thereof, by any one; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor is hereby authorized to execute to said John G. Estell, for and in behalf of the State of Michigan, a full conveyance and release of all the right, title, and interest of the said State in and to the said land above described, upon payment to the proper officer of said State, by said John G. Estell, of the amount (if any) due or unpaid to said State upon said certificate.

This resolution shall take immediate effect.

Approved April 15, 1871.

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[ No. 33. ]

**JOINT RESOLUTION** authorizing the Auditor General to charge certain money or State tax now due Emmet county from the county of Charlevoix.

*Whereas,* There appears, by a memorial of the board of supervisors of Emmet county, to be due to said county of Emmet from the county of Charlevoix the sum of three hundred and sixty-seven dollars and sixty-four cents, as its proportion of the State tax for the years eighteen hundred and sixty-eight, eighteen hundred and sixty-nine, and eighteen hundred and seventy, with interest, which sum is now charged against Emmet county on the books of the Auditor General;

*And whereas,* The board of supervisors of Emmet county have failed to collect said sum from the county of Charlevoix;

*And whereas,* In consequence of the said sum being charged on the books of the Auditor General against Emmet county, makes it difficult to settle the annual accounts between the State and said county; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized and empowered to investigate the above claim, and if found correct, to credit the said sum of three hundred and sixty-seven dollars and sixty-four cents, or as much thereof as may appear equitably and justly due, to the county of Emmet, and charge the same to the county of Charlevoix.

This resolution shall take immediate effect.

Approved April 15, 1871.

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[ No. 34. ]

JOINT RESOLUTION to authorize the Board of State Auditors to audit and allow the account of L. M. S. Smith, for printing for the use of the supreme court the pleadings and testimony in the case of the State of Michigan, *ex rel.* Frank H. White, *vs.* Hermanus Doesburg.

*Whereas,* In the year one thousand eight hundred and sixty-seven, the case of the State of Michigan, *ex rel.* Frank H. White, *vs.* Hermanus Doesburg, was sent, by order of the supreme court of the State of Michigan, to the fourteenth judicial circuit for trial, in the county of Ottawa, requiring a full report of the evidence to be taken in the said case, for the use of the said supreme court;

*And whereas,* In compliance with the said order, the said case was so tried by the said circuit court;

*And whereas,* Under a rule of the said supreme court, it became necessary that the pleading and testimony in case should be printed for the use of the said court;

*And whereas,* At the request of the attorney on behalf of the State, L. M. S. Smith, a printer in Grand Haven, in the said county, was employed to print the said pleadings and testimony, for the use of the said supreme court, with the assurance that the State of Michigan would pay for the said labor;

*And whereas,* The said printing was so done, to the entire satisfaction of the attorney in the case, and of the supreme court;

*And whereas,* The Board of State Auditors have not thought themselves authorized by any existing law to audit and allow the account for the said printing; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized and empowered to audit and allow said account of L. M. S. Smith for the services above set forth, at the rates usually paid for such services.

Approved April 17, 1871.

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[ No. 35. ]

**JOINT RESOLUTION** for the payment of printing done by James O'Donnell.

*Whereas,* James O'Donnell, of Jackson, Michigan, published the list of lands to be sold for taxes in the county of Jackson, for the year of our Lord one thousand eight hundred and sixty-nine, in the Jackson "Citizen," such printing amounting to the sum of sixty-seven dollars and sixty cents;

*And whereas,* Section eighty-one, of act number one hundred and sixty-nine, laws of the year of our Lord one thousand eight hundred and sixty-nine, requires that all such

bills shall be presented to the Auditor General, with proof of publication of such tax-list, within thirty days after the last publication thereof;

*And whereas,* In this case the same was not so presented within the said thirty days; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan;* That the Auditor General be authorized to pay such bill, on proof of the printing said tax-list as required by said act, the same as though said bill had been presented during the time limited by said act.

Approved April 17, 1871.

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[No. 36.]

JOINT RESOLUTION proposing an amendment to section seven, article six, and section one, article nine, of the constitution of the State, relative to the number and limits of judicial circuits and the salaries of the judges of the circuit courts.

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Michigan,* That the following amendment to the constitution of this State be and the same is hereby proposed, to stand as section seven, of article six:

No more than eighteen circuits shall be created prior to the year eighteen hundred and seventy-five, and in that year the Legislature shall re-divide the State into not more than fifteen circuits, and the number of circuits shall not exceed fifteen until the year eighteen hundred and eighty-one, when, or at any time thereafter, the Legislature may increase the number of the same. Within these limits the Legislature may establish or alter circuits as the public needs shall require, but no alteration or creation of any circuit shall operate to remove a judge from office. When a circuit is made, a judge thereof shall be

elected therein, and his term of office shall continue as provided in this constitution for judges of the circuit courts.

Sec. 2. That the following amendment to the constitution of this State is hereby proposed, to stand as section one of article nine:

The Governor shall receive an annual salary of one thousand dollars. The Judges of the Circuit Court shall receive an annual salary of two thousand five hundred dollars. The State Treasurer shall receive an annual salary of one thousand dollars. The Auditor General shall receive an annual salary of one thousand dollars. The Superintendent of Public Instruction shall receive an annual salary of one thousand dollars. The Secretary of State shall receive an annual salary of eight hundred dollars. The Commissioner of the Land Office shall receive an annual salary of eight hundred dollars. The Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

Said amendments shall be submitted to the people of this State at the next general election, to be held on the first Tuesday succeeding the first Monday in November, in the year eighteen hundred and seventy-two, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State in the same manner that he is now by law required to do in case of an election of Governor and Lieutenant Governor, and the inspectors of election in the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for and against said amendments. Each person voting for said amendment to section one, article nine, shall have written or printed on his ballot the words: "Amendment relative to the salaries of judges of the circuit court—Yes;" and each person voting against it shall have written or printed on his ballot the words:

"Amendment relative to the salaries of judges of the circuit court—No." And each person voting for said amendment to section seven, article six, shall have written or printed on his ballot the words: "Amendment relative to the limits of judicial circuits, and the number thereof—Yes;" and each person voting against said amendments shall have written or printed on his ballot the words: "Amendment relative to the limits of judicial circuits, and the number thereof—No." The ballots shall, in all respects, be canvassed and returns made as in elections of Governor and Lieutenant Governor.

Approved April 17, 1871.

# CONCURRENT RESOLUTIONS.

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[ No. 1. ]

## CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the committees on printing of the Senate and House of Representatives be and they are hereby instructed to prepare and cause to be published, ready for distribution within thirty days from the commencement of this session of the Legislature, a manual for the use of the members and officers of both Houses of this and the next Legislature, containing the rules and joint rules of the Senate and House of Representatives, the constitutions of the United States and of this State, with the several amendments thereto, a diagram of the Senate chamber and Representative hall, the names, ages, occupation, and residence of the members of both Houses, a list of the national banks, savings banks, banking houses, and insurance companies doing business and located within the State, and such other statistical matter as is usually contained in such a work; also, a summary of not over fifty pages of the history and condition of our educational, charitable, and reformatory institutions, of our State Prison, and a statement of the appropriations for each since their organization.

Approved January 12, 1871.

[ No. 2. ]

CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the editor of the State Republican be and is hereby appointed to compile and publish, without delay, under the direction of the committees on printing in the two Houses, the usual number of manuals for the use of this and the next Legislature, at a price not to exceed the sum paid for compiling the last manual.

Approved January 12, 1871.

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[No. 3.]

CONCURRENT RESOLUTION requiring clerks of circuit courts to furnish statement of business done in said courts for the years of our Lord one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, respectively, together with amount of jury and entry fees received by said clerks in said years.

*Resolved* (the House concurring), That the clerks of the several circuit courts of this State be and they are hereby required to furnish within twenty (20) days after notice of this resolution, for the use of the Senate and House of Representatives, and forward the same to the Secretary of the Senate, a statement containing the number of days said courts have been in session in their respective counties during the years of our Lord one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, respectively; also, the amount of entry and jury fees received by said clerks during said years, respectively; also, the number of issues of fact tried, and causes disposed of in said courts for said years, respectively, together with the number of cases now pending both at law and in equity in said courts; also, the amount paid out of the treasuries of their respective counties during each of said years to the circuit judge holding said courts; and that a

committee of two be appointed by the President of the Senate to forward copies of this resolution, and proper blanks for making such statements, to said clerks, at the expense of the State.

Approved January 24, 1871.

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[ No. 4. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That our Senators and Representatives in Congress be and are hereby requested to introduce and urge the passage of a bill granting pensions to the surviving soldiers, and the widows of deceased soldiers, of the war of eighteen hundred and twelve.

*Resolved*, That the Governor be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved January 27, 1871.

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[ No. 5. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to secure such action as will extend the operation of the extradition treaty now existing between the British and United States governments, so that it may include a much greater variety of criminal offenses against the laws of both governments than are found to be now provided for by the provisions of the Ashburton treaty.

*Resolved*, That the Governor be and he hereby is requested to forward copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved February 14, 1871.

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[ No. 6. ]

#### CONCURRENT RESOLUTION.

*Whereas*, The floor and timbers in and under the south room of the library have visibly settled within a very short time; therefore,

*Resolved* (the Senate concurring), That the State Librarian be requested to remove the books from said room as soon as possible, to avoid breaking down by the pressure consequent from the great weight in said room.

Approved March 9, 1871.

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[ No. 7. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That one thousand copies of the report of the Special Commissioners on our Penal, Reformatory, and Charitable Institutions be printed for the use of the Legislature, and that, also, a sufficient number be printed and sent to the county clerks of each county, for the supervisors of each town and the superintendents of the poor of each county, and that the report be published in the joint documents.

Approved March 15, 1871.

[ No. 8. ]

CONCURRENT RESOLUTION.

*Resolved by the Senate* (the House concurring), That the Secretary of State be requested to forward to the supreme and circuit judges, and county clerks, copies of all general acts which are ordered to take immediate effect.

Approved March 18, 1871.

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[ No. 9. ]

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That the intent and meaning of the following concurrent resolution:

*Resolved by the Senate* (the House concurring), That the Secretary of State be requested to forward to the supreme and circuit judges, and county clerks, copies of all general acts which are ordered to take immediate effect,

Is, that the copies mentioned therein shall be copies printed in pamphlet form.

Approved March 18, 1871.

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[ No. 10. ]

CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the postmaster of the city of Lansing be and is hereby requested to report to the committee on supplies and expenditures of the Senate and House of Representatives, the amount of postage on mail

matter received by the members of the respective Houses of the Legislature; and the Secretary of the Senate and Clerk of the House of Representatives are hereby authorized and directed to draw an order for the amount of such postage due from the respective Houses.

Approved March 29, 1871.

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[ No. 11. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the Auditor General be and is hereby instructed to send copies of his report, when published, to the several county clerks, for distribution to each supervisor and the members of the two Houses.

Approved March 29, 1871.

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[ No. 12. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That, out of respect to the memory of the late Hon. Jacob M. Howard, the Sergeant-at-Arms be directed to place the national flag at half-mast until Saturday noon.

Approved April 8, 1871.

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[ No. 13. ]

#### CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That the two branches of the Legislature will meet

in joint convention on Tuesday, the eleventh day of April inst., at ten and a half o'clock A. M., to act upon such nominations as the Governor may be prepared to make to such joint convention.

Approved April 8, 1871.

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[ No. 14. ]

#### CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That the Secretary of State be directed to forward to each supervisor and each member and officer of the Legislature of eighteen hundred and seventy-one, one copy of all general acts which are ordered to take immediate effect, in addition to the copies already requested to be forwarded to the supreme and circuit judges and county clerks.

Approved April 13, 1871.

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[ No. 15. ]

#### CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and requested to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present Legislature; and when completed and certified to by the Secretary of State, they shall each be entitled to and receive for such services the sum of five hundred dollars.

Approved April 15, 1871.

[ No. 16. ]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That from and after Friday, the fourteenth day of April, eighteen hundred and seventy-one, the two Houses will transact no business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journals of the proper Houses by the Secretary and Clerk; and the time of final adjournment of this Legislature shall be on Tuesday, the eighteenth day of April, eighteen hundred and seventy one, at twelve o'clock noon of that day.

Approved April 15, 1871.

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NOTE.—The words and sentences enclosed in brackets in the foregoing laws and resolutions were in the engrossed copies, and passed by the Legislature, but not in the enrolled copies.

# CERTIFICATE.

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STATE DEPARTMENT, MICHIGAN, }  
Secretary's Office, } ss.

I, DANIEL STRIKER, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was April eighteenth, one thousand eight hundred and seventy-one.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of [ L. S. ] Michigan, at Lansing, this thirty-first day of May, in the year of our Lord one thousand eight hundred and seventy-one.

DANIEL STRIKER,  
*Secretary of State.*



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## **APPENDIX:**

**CONTAINING**

**CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS**

**RELATIVE TO THE**

**ERECTION OF NEW TOWNSHIPS;**

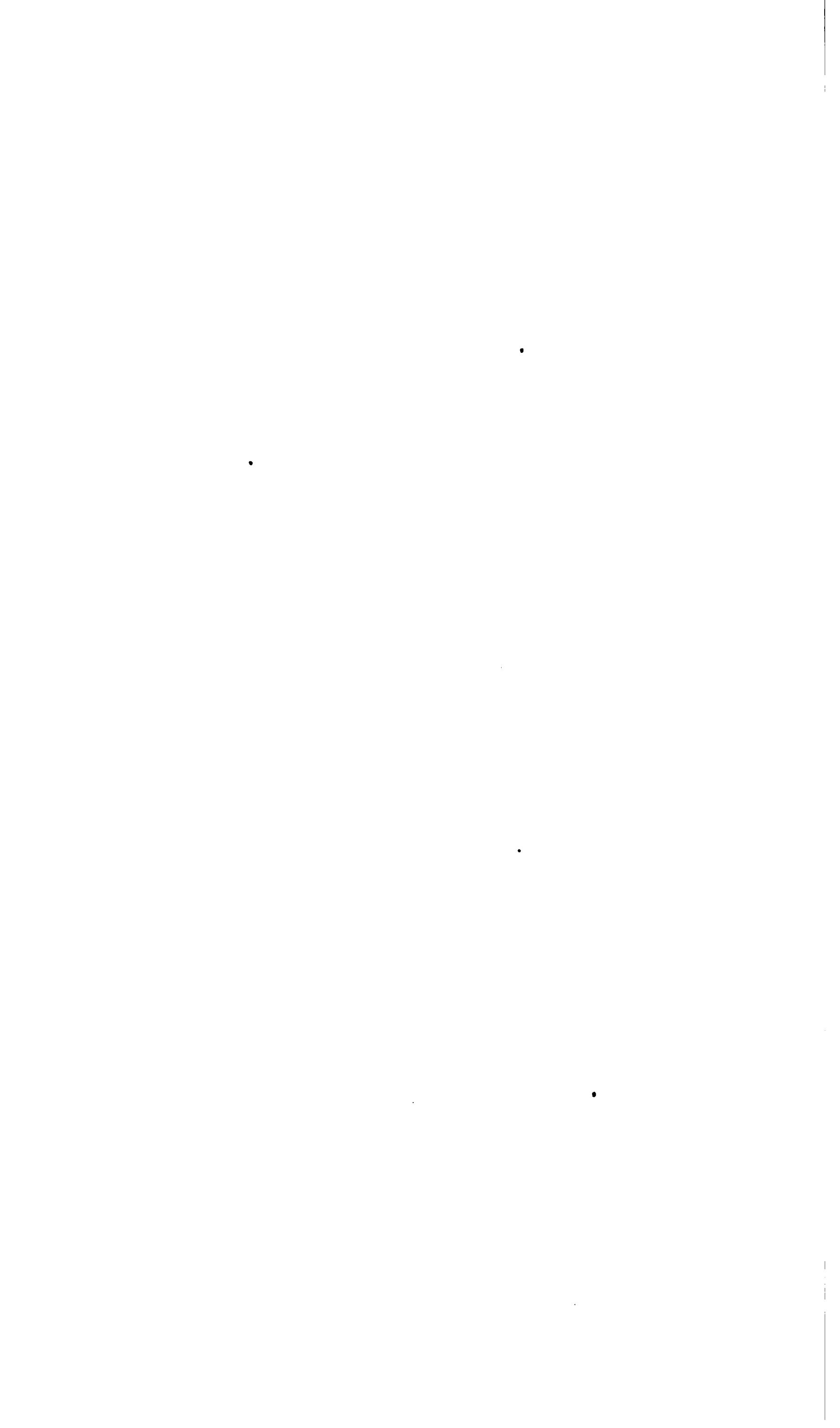
**ALSO**

**STATE TREASURER'S ANNUAL REPORT**

**For the Year 1870.**

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## A P P E N D I X.

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### ALLEGAN COUNTY.

At a session of the board of supervisors for the county of Allegan, and State of Michigan, held at the village of Allegan, in said county, on Friday, the sixth day of January, in the year of our Lord one thousand eight hundred and seventy-one.

In the matter of the application of certain freeholders residing in the townships of Heath and Pine Plains, praying that the boundary line between said townships be changed.

The board having received and entertained petitions from certain freeholders of the townships of Pine Plains and Heath, respectively, praying that the board set off from the township of Heath all that portion of township two (2) north, of range fourteen (14) west, that lies north of the Kalamazoo river, and attach the same to the township of Pine Plains, so that said township of Heath shall consist of the geographical township of three (3) north, of range fourteen (14) west, and Pine Plains of two (2) north, of range fourteen (14) west; and it appearing from said petitions that more than twelve freeholders from each of said towns have signed said petitions, and the said petitions, maps, notices, and all things relating thereto, having been referred to a special committee of said board, consisting of Supervisors Edsell, Brownell, and Minckler, the said committee came before the board and submitted the following report:

## APPENDIX.

*To the Honorable Board of Supervisors of the county of Allegan, and State of Michigan:*

The special committee to whom was referred the petitions of G. V. S. Young and others, and Alfred Muma and others, in reference to the alteration of the townships of Heath and Pine Plains, in said county, respectfully report that they have examined the maps, petitions, and notices submitted to this board, and find them correct, and further recommend that the prayer of the petitioners be granted by this board, and ask to be discharged from the further consideration of the subject.

(Signed)

W. C. EDSELL,

E. G. MINCKLER,

C. R. BROWNELL,

*Special Committee.*

Moved that the report of the committee be accepted and adopted, and the committee discharged. The motion prevailed by a majority vote of the board elect.

It was also voted unanimously that the action of this board in altering the boundaries of the townships of Heath and Pine Plains, so that said township of Heath shall consist of the geographical township of three (3) north, range fourteen (14) west, and said township of Pine Plains shall consist of the geographical township of two (2) north, of range fourteen (14) west, take effect from and after March twentieth, in the year of our Lord one thousand eight hundred and seventy-one.

Boundary  
line of Heath  
and Pine  
Plains  
changed.

STATE OF MICHIGAN, }  
*County of Allegan.* } ss.

I, A. E. Calkins, clerk of said county, and clerk of the board of supervisors thereof, do hereby certify that the above and foregoing is a full, true, and complete statement of the action of the board of supervisors of said county in the matter of the alteration of the boundaries of the townships of Heath and Pine Plains, in said county; and further, that I have carefully compared the foregoing copies of orders of said board with the record thereof in my office, and the copy hereto attached of

the maps of the townships to be affected by the division, with the original maps furnished said board, and now on file in this office, and the said copies are true transcripts from and of the whole of such originals; and I further certify that the above action was taken and orders passed at a meeting of said board, held at the court-house in the village of Allegan, on the sixth day of January, in the year of our Lord one thousand eight hundred and seventy-one.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of said  
[ L. S. ] county, this tenth day of February, in the year  
of our Lord one thousand eight hundred and  
seventy-one. A. E. CALKINS,  
*County Clerk.*

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### ALPENA COUNTY.

OFFICE OF COUNTY CLERK, ALPENA COUNTY, }  
*State of Michigan.* }

In the matter of the application of W. B. Comstock, W. M. Sutton, Timothy Crowley, Meade Macartney, A. Hopper, G. H. Davis, E. G. Howard, John Kerns, Henry Bolton, F. Bundy, A. W. Comstock, Charles Golling, E. M. Harrington, Donald McRae, George Richardson, resident freeholders of the township of Alpena.

It appearing to the board of supervisors of Alpena county, that application has been made, and that notice thereof has been posted up, signed, and published according to the statute in such case made and provided, and having duly considered the matter of said application, the board of supervisors of Alpena county order and enact that the territory described in said application, bounded as follows, to wit: Towns number thirty (30), thirty-one (31), and thirty-two (32) north, of range one (1), two (2), three (3), and four (4) east (which said territory is attached to the county of Alpena), be and the same is hereby attached and annexed to the the township of

Territory attached to the township of Alpena.

## APPENDIX.

Alpena for all purposes of taxation and for all other township purposes.

**STATE OF MICHIGAN,** }  
*County of Alpena,* } ss.

I, Seth L. Carpenter, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and a copy of the map and survey of the territory described in said record, and furnished to said board at the said application, and that said copies are true copies. And I further certify that the foregoing order was passed by them at their meeting held at Alpena, in said county, on the ninth day of January, eighteen hundred and seventy-one, as appears by their record.

In testimony whereof, I have hereunto set my hand  
 [L. S.] and affixed the seal of the said court, this tenth  
 day of January, eighteen hundred and seventy-one.  
 SETH L. CARPENTER,  
*County Clerk.*

—  
 TERRITORY ATTACHED.

**OFFICE OF BOARD OF SUPERVISORS,** }  
*County of Alpena, Michigan.* }

In the matter of the application of W. B. Comstock, E. M. Harrington, Donald McRae, George Richardson, W. M. Sutton, Timothy Crowley, Charles Golling, Meade Macartney, A. Hopper, G. H. Davis, E. G. Howard, John Kerns, Henry Bolton, F. Bundy, resident freeholders of the township of Alpena, and Geo. J. Robinson, H. M. Robinson, A. M. Chaffee, Samuel Ellsworth, William Shortland, David Oliver, Jeremiah Patnod, Thomas Simpson, Duncan McKillop, John Riddell, Elisha DeGroat, and George Plude, resident freeholders of the township of Ossineke, for the alteration of the bounds of the said township of Ossineke.

It appearing to the board of supervisors of Alpena county, that application has been made, and that notice thereof has

been signed, posted up, and published according to the statute in such case made and provided, and having duly considered the matter of said application, the board of supervisors of Alpena county order and enact that the territory described in said application, bounded as follows, to-wit: Towns number twenty-nine (29) north, of range number one (1), two (2), three (3), and four (4) east (which said territory is attached to the county of Alpena), be and the same hereby is attached and annexed to the township of Ossineke for the purposes of taxation, and for all other township purposes.

Territory  
attached to  
the town-  
ship of  
Ossineke.

STATE OF MICHIGAN, }  
*County of Alpena,* } ss.

I, Seth L. Carpenter, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and a copy of the map and survey of the territory described in said record and furnished to said board at the said application; and that said copies are true copies. And I further certify that the foregoing order was passed by them at their meeting held at Alpena, in said county, on the ninth day of January, eighteen hundred and seventy-one, as appears by their record.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said county, this  
[ L. S. ] tenth day of January, eighteen hundred and seventy-one.

S. L. CARPENTER,  
*County Clerk.*

## APPENDIX.

## TERRITORY ATTACHED.

OFFICE OF BOARD OF SUPERVISORS, }  
*County of Alpena, Michigan.* }

In the matter of the application of W. B. Comstock, W. M. Sutton, Timothy Crowley, Meade Macartney, A. Hopper, G. H. Davis, E. G. Howard, John Kerns, H. Bolton, Charles Golling, E. M. Harrington, Donald McRae, George Richardson, resident freeholders of the township of Alpena, and Henry N. Socey, Albert Moliter, Martin Kempf, Samuel Blake, William Meredith, Frederick Denny Lark, James Meredith, Michael Klan, August Barabas, August Paul, Michael Klopstein, Frederick Mertz, Narzane Marto, C. A. Carpenter, resident freeholders of the township of Rogers.

It appearing to the board of supervisors of Alpena county, that application has been made, and that notice thereof has been signed, and posted up, and published according to the statute in such case made and provided, and having duly considered the matter of said application, the board of supervisors of Alpena county order and enact that the territory described in said application, bounded as follows, to wit: Towns number thirty-three (33), in ranges two, three, four, five, six, seven, eight east, and towns number thirty-four (34) north, of ranges number six and seven east (which said territory is attached to the county of Alpena), be and the same is hereby attached and annexed to the township of Rogers for all purposes of taxation, and for all other township purposes.

Territory  
attached to  
the town-  
ship of  
Rogers.

STATE OF MICHIGAN, }  
*County of Alpena,* } ss.

I, Seth L. Carpenter, clerk of the said county of Alpena, and of the board of supervisors of said county, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and a copy of the map and survey of the territory described in said record and furnished to said board at the said application, and that said copies are true copies. And I further certify that the foregoing order was passed by them at their meeting held at Alpena, in said county, on the ninth day of January, in the

year of our Lord one thousand eight hundred and seventy-one, as appears by their record.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the said court, this tenth  
[ L. S. ] day of January, eighteen hundred and seventy-  
one.

SETH L. CARPENTER,  
*County Clerk.*

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### ANTRIM COUNTY.

COUNTY CLERK'S OFFICE,  
*Antrim County, Michigan.*

In the matter of the application of Wm. J. Getty and thirty-seven others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published as in the manner provided by law, and having duly considered the matter of such application, the board order and enact that the territory described in such application, as follows, to wit: All of townships thirty (30) north, of ranges one, two, three, four, five, six, seven, and that portion of range eight lying east of Torch Lake, be and the same is hereby erected into a township, to be called and known by the name of the township of Forest Home. The first annual meeting thereof shall be held at the house of James Cummings, on the third day of April, in the year of our Lord one thousand eight hundred and seventy-one; and at said meeting Charles W. Ball, John Willis, and Joseph Turner, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

## APPENDIX.

STATE OF MICHIGAN, }  
 County of Antrim, } ss.

I hereby certify the foregoing to be a true copy of  
 the original record in this office, as enacted by  
 [ L. s. ] the board of supervisors at a special meeting of  
 said board, January third, eighteen hundred and  
 seventy-one.

R. W. BAGOT,  
*Clerk.*

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## BAY COUNTY.

In the matter of the application of Uri Mudge, Joseph Crawford, and others, for the erection and organization of a new township.

*Whereas,* It appears to the board of supervisors of Bay county, Michigan, that application has been made for the division of the township of Arenac by twelve freeholders, residents of each township to be affected thereby, and that notice thereof has been signed, posted, and published in the manner and form required by law, and this board having been furnished with a map of all the townships to be affected thereby, showing the proposed alteration, and having duly considered the matter of said application; therefore, be it

*Resolved, ordered, and enacted by said board,* That all of sections one (1), two (2), three (3), four (4), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), of town nineteen (19) north, range six (6) east; all of town nineteen (19) north, range seven (7) east; all of town twenty (20) north, range six (6) east; all of town twenty (20) north, range seven (7) east; all of town twenty (20) north, range eight (8) east, and section one (1), town eighteen (18) north, range six (6)

east, and section six (6), town eighteen (18) north, range seven (7) east, be and the same is hereby erected into a new township, to be called and known by the name of "Au Gres." <sup>Au Gres  
organized.</sup>

And the first township meeting of said township of Au Gres shall be held at the house of John Bradley, on Monday, the eighteenth (18th) day of April next; and at said meeting John Sager, George S. Moore, and W. R. Bates, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }  
*County of Bay,*      } ss.

I, Henry A. Braddock, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof. I do further certify that said resolution was adopted by said board at their meeting held at Bay City, on the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy, as appears by the record thereof.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of said  
[L. S.]      county, at Bay City, this thirtieth day of December,  
                in the year of our Lord one thousand eight  
                hundred and seventy.

H. A. BRADDOCK,  
*Clerk.*

—

In the matter of the application of George E. Fish and others,  
for the erection and organization of a new township.

Whereas, It appears to the board of supervisors of Bay county, Michigan, that application has been made for the division of the township of Arenac by twelve freeholders, resi-

## APPENDIX.

dents of each of the townships to be affected thereby, and that notice thereof has been signed, posted, and published in the manner and form required by law, and this board having been furnished with a map of all the townships to be affected by such division, showing the proposed alteration, and having duly considered the matter of said application; therefore, be it

*Clayton  
organized.*

*Resolved, ordered, and enacted by said board,* That all of town nineteen (19) north, range four (4) east, and town twenty (20) north, range four (4) east, be and the same is hereby erected into a new township, to be called and known by the name of Clayton; and that the first township meeting of said township of Clayton shall be held at the house of Isaac E. Clayton, on Monday, the third day of April next, and that at said meeting George E. Fish, Philo P. Clayton, and William Smith, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

STATE OF MICHIGAN, } ss.  
*County of Bay,* } ss.

I, Henry A. Braddock, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof. I do further certify that said resolution was adopted by said board at their meeting held at Bay City, on the thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county, at Bay City,  
[L. S.] this thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy.

H. A. BRADDOCK,

*Clerk.*

## BENZIE COUNTY.

In the matter of the application of Joseph Oliver, C. C. Miller, John Moore, Isaac A. Peterson, Franklin Martin, Charles R. Kibby, Albert Kibby, Daniel Buchanan, S. F. Wright, Rob't Blacklock, Nelson Conklin, Samuel Caton, and others, for detaching a portion of territory from the township of Crystal Lake, and attaching the same to the township of Gilmore, in the county of Benzie.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, as follows, to wit: Fractional sections twenty-eight (28), twenty-seven (27), and thirty-four (34), lying south of Betsie Lake, and the south half of sections thirty-five (35) and thirty-six (36), of town twenty-six north, of range sixteen (16) west, and the south half of sections thirty-one (31) and thirty-two (32), of town twenty-six (26) north, of range fifteen (15) west, and sections five (5) and six (6), of town twenty-five (25) north, of range fifteen (15) west, and sections one (1) and two (2), and fractional section three (3), of town twenty-five north, of range sixteen (16) west, be and the same is hereby detached from the township of Crystal Lake, and added to the township of Gilmore, in the county of Benzie.

Territory  
detached  
from Crystal  
Lake and  
attached to  
Gilmore.

STATE OF MICHIGAN, }  
County of Benzie, } ss.

I, Charles H. Parker, clerk of the county of Benzie aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board of supervisors with the record in my office, as clerk of said board, and the copy thereto attached of the map of survey of the townships of Gilmore and Crystal Lake, in my office, and furnished to said board on the application for the detaching of said territory from the township of

## APPENDIX.

Crystal Lake, and adding the same to the township of Gilmore, and that said copies are true copies. And I further certify that the foregoing order of said board was passed at their meeting held at Frankfort, in said county, on the twenty-fifth day of April, eighteen hundred and seventy-one, & appears by their record.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of the  
[ L. S. ] county of Benzie, this twenty-fifth day of April  
eighteen hundred and seventy-one.

CHAS. H. PARKER,

*County Clerk.*

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## CHEBOYGAN COUNTY.

In the matter of the application of Peter McDonald and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All that part of town thirty-eight (38) north, of range one (1) west, lying east of the Cheboygan river; towns thirty-eight (38) north, of range one and two (1 and 2) east; sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), and twelve (12), in town thirty-seven (37) north, of range one west; sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), and twelve (12), in township thirty-seven north, of range one (1) east; fractional sections four (4), five (5), six (6), seven (7), eight (8), nine (9), and fractional

en (10), in town thirty-seven (37) north, of range two (2) east, and from the same erect a new township, to be named and known as the township of Grant; the first annual township meeting thereof shall be held at the school-house in the said town on the third day of April, in the year of our Lord one thousand eight hundred and seventy-one, at nine o'clock in the forenoon; and at said meeting Robert Moore, Kenneth McCoy, and Cyril Legault shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }  
County of Cheboygan, } ss.

I, Alfred D. Woolston, clerk of said county of Cheboygan, and of the board of supervisors thereof, do certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at a meeting held the thirty-first day of October, in the year of our Lord one thousand eight hundred and seventy.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of said  
[ L. S. ] county, this twenty-seventh day of December, in  
the year of our Lord one thousand eight hundred  
and seventy.

A. D. WOOLSTON,  
*County Clerk.*

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#### MANISTEE COUNTY.

In the matter of the petition of Joseph Marshall, and twelve others (freeholders), for the organization of a new township.

It appearing to the board of supervisors of Manistee county, that application has been made, and that notice thereof has

## APPENDIX.

*Springdale  
organized.*

been signed, posted, and published in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described as follows, to wit: Township twenty-four (24) north, of range fourteen (14) west, be and the same is hereby erected into a township, to be called and known by the name of Springdale, the first annual township meeting to be held on the first Monday in April, eighteen hundred and seventy-one, at the house of T. D. Glover; and at said meeting Joseph Marshall, William W. Ball, and Silas D. Glover, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, and keep open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and Perley B. Fiske was appointed to post the notices of said election.

Done October eleventh, in the year of our Lord one thousand eight hundred and seventy.

STATE OF MICHIGAN, }  
*County of Manistee,* } ss.

I, William Dunham, clerk of said county of Manistee, do hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county upon the organization of the township therein stated, as appears upon the journal of the proceedings of said board remaining in my office.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of Manis-  
[ L. S. ] tee county, at the city of Manistee, this twenty-  
first day of December, in the year of our Lord  
one thousand eight hundred and seventy.

WM. DUNHAM,  
*County Clerk.*

Proceedings of the board of supervisors of Osceola county in the organization of new townships, at an adjourned meeting, commencing January third, eighteen hundred and seventy-one, viz:

In the matter of the application of W. J. Townsend, S. Hewitt, D. Hewitt, M. R. Lane, and others, for the organization of a new township, to be called "Burdell."

The following preamble and resolutions were offered by E. H. Underwood, chairman of the committee on townships, viz:

*Whereas*, It appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up, and published, as in the manner required by law, and having duly considered the matter of said application; therefore, be it

*Resolved*, That this board do hereby order and enact that the said territory described in said application as follows: Congressional township number twenty north, of range number ten west, be and the same is hereby erected into a new township, to be called "Burdell," the first annual township meeting thereof to be held at the residence of Calvin Woolworth on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-one, at eight o'clock in the forenoon; and at such meeting Calvin Woolworth, W. J. Townsend, and S. Hewitt shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and Calvin Woolworth is hereby appointed to post the notices as required by law.

Burdell  
organized.

Adopted, by ayes and nays, as follows:

Ayes—Messrs. Bennett, Eely, Holdridge, Hawkins, Lanhpear, Underwood, Jones, Steig, Shank.

Nays—None.

## APPENDIX.

duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any election, as the law provides; and further, that said persons so appointed post notices of said election in the manner required by law.

**STATE OF MICHIGAN,** } ss.  
*Mecosta County,* }

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, relative to the organization and incorporation of the village of Morley, and that the same is a true transcript of said original record and the whole of such original. And I further certify that the foregoing order of said board was passed by them at their annual meeting held at the circuit court room in the city of Big Rapids, in said county, on the tenth day of October, in the year of our Lord one thousand eight hundred and seventy, as appears by the record.

In testimony whereof, I have hereunto set my hand  
 and affixed the seal of the circuit court of said  
 [ L. S. ] county, this twelfth day of November, in the year  
 of our Lord one thousand eight hundred and  
 seventy.

**JOHN DALZIEL,**  
*County Clerk.*

## OSCEOLA COUNTY.

Proceedings of the board of supervisors of Osceola county, in the matter of the organization of new townships.

In the matter of the application of William Wood, William McKenzie, Lafayette Price, John Wilcox, J. N. Miner, and others, for the erection and organization of a new township.

By J. B. McFarlane:

Whereas, It appearing to the board of supervisors that

application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application; therefore, be it

*Resolved*, That the board order and enact that the territory described in said application, bounded as follows, viz: Township nineteen north, of range nine west, be and the same is hereby erected into a township, to be called and known by the name of the township of "Rose Lake," the first annual <sup>Rose Lake</sup> organized. township meeting to be held at the house of William McKenzie, on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-one, at nine o'clock in the forenoon; and at said meeting William Wood, William McKenzie, and J. N. Miner, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

Adopted, two thirds of the members voting therefor.

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In the matter of the application of Samuel L. Kimball, Eugene Nickerson, Ernest Nickerson, Thomas Cook, John Grice, P. D. Kale, A. Woodruff, and others, for the organization of a new township.

By E. H. Underwood:

*Whereas*, It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published as in the manner required by law, and having duly considered the matter of said application; therefore, be it

*Resolved*, That the board order and enact that the territory described in said application, bounded as follows, viz: Townships nineteen north, of range eleven west, and twenty north, of range eleven west, be and the same is hereby erected into a

## APPENDIX.

(7), eighteen (18), seventeen (17), twenty (20), and twenty-nine (29), town seven, thirteen.

Which resolution was adopted.

STATE OF MICHIGAN, }  
*County of Ottawa,* } SS.

I, Alfred A. Tracy, clerk of the circuit court for the county and State above named, hereby certify that the foregoing is a true and compared copy of the resolution adopted by the board of supervisors of said county, relative to the proposed change in the boundary lines of the townships of Talmadge and Georgetown, as it appears upon the journal of said board.

In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court for the [ L. S. ] county of Ottawa, at the city of Grand Haven, this seventh day of February, in the year of our Lord one thousand eight hundred and seventy-one.

A. A. TRACY,

*Clerk.*

### SANILAC COUNTY.

In the matter of the application of Thomas Kirkbride and others, for the formation of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Township number eleven (11) north, of range number thirteen (13) east, be and the same is hereby erected into a township, to be known by the name of the township of "Elmer." The first annual township meeting thereof shall be held at the school-house of district number one (1), in the present township of "Moore," on Monday, the

third day of April, in the year of our Lord one thousand eight hundred and seventy-one, at nine o'clock in the forenoon; and at said meeting Thomas Kirkbride, William Johnson, and George H. Banks, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

DANIEL WIXSON, *Chairman.*

SAMUEL BURGESS, *Clerk.*

STATE OF MICHIGAN, {  
County of Sanilac, } ss.

I, Samuel Burgess, county clerk of said county of Sanilac, do hereby certify that the foregoing is a true copy of the action of the board of supervisors of said county, and of record in my office. And I further certify that the foregoing order of said board was passed by them at their meeting held at the village of Lexington, in said county, on the thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of said  
[ L. S. ] county of Sanilac, at Lexington, this fourteenth  
day of January, in the year of our Lord one  
thousand eight hundred and seventy-one.

SAMUEL BURGESS,  
*County Clerk.*

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### WEXFORD COUNTY.

In the matter of the application of John Vogel and others, for  
the erection and organization of a new township.

It appearing to the board of supervisors that application has  
been made, and that notice thereof has been signed, posted up,  
and published as in the manner required by law, and having

## APPENDIX.

duly considered the matter of the application, the board order and enact, that the territory described in said application, as follows, to wit: Townships twenty-one (21) north, of ranges five (5) and six (6) west, be and the same is hereby erected into a township, to be called and known by the name of the ~~Clam Union~~ township of "Clam Union." The first township meeting thereof organized.

shall be held at the house of John Vogel, in said township, on Tuesday, the eighth (8th) day of November, in the year of our Lord one thousand eight hundred and seventy, at nine (9) o'clock in the forenoon; and at the said meeting John Vogel, John Koopman, and Otto Schaap shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, } ss.  
*County of Wexford,* } ss.

I, Leroy P. Champenois, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at their annual meeting held October eleventh, in the year of our Lord one thousand eight hundred and seventy.

In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court of said [L. S.] county, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and seventy.

LEROY P. CHAMPENOIS,  
*County Clerk.*

In the matter of the application of Ira Van Meter and others,  
for the erection and organization of a new township.

It appearing to the board of supervisors that application has  
been made, and that notice thereof has been signed, posted up,  
and published as in the manner required by law, and having  
fully considered the matter of the application, the board order  
and enact that the territory described in said application, as  
follows, to wit: Townships twenty-one (21) north, of ranges  
seven (7) and eight (8), be and the same is hereby erected into  
a new township, to be called and known by the name of the  
township of "Riverside." Riverside  
organized.

The first township meeting thereof shall be held at the  
house of Ira Van Meter, in said township, on Tuesday, the  
eighth (8th) day of November, in the year of our Lord one  
thousand eight hundred and seventy, at nine (9) o'clock in  
the forenoon; and at the said meeting William Cavanagh,  
Henry Van Meter, and Gillis McBain, three electors of said  
township, shall be the persons whose duty it shall be to pre-  
side at such meeting, appoint a clerk, open and keep the polls,  
and exercise the same powers as the inspectors of election at  
any township meeting, as the law provides.

STATE OF MICHIGAN, } ss.  
County of Wexford, }

I, Leroy P. Champenois, clerk of said county of Wexford,  
and of the board of supervisors thereof, do hereby certify that  
the foregoing is a true and compared copy of an order of the  
board of supervisors of said county, passed at their annual  
meeting held October eleventh, in the year of our Lord one  
thousand eight hundred and seventy.

[ L. s. ] In testimony whereof, I have hereunto set my hand  
and affixed the seal of the circuit court of said  
county, this twenty-fourth day of October,  
eighteen hundred and seventy.

LEROY P. CHAMPENOIS,

*County Clerk.*

## APPENDIX.

In the matter of the application of N. W. Reed and others, for the erection and organization of a new township.

*Thorp  
organized.*

It appearing to the board of supervisors that application has been made, and notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of the application, the board order and enact that the territory described in said application, as follows, to wit: Township number twenty-two (22) north, of range ten (10) west, be and the same is hereby erected into a township, to be called and known by the name of the township of "Thorp." The first township meeting thereof shall be held at the house of Eli G. Woodard, in said township, on Tuesday, the eighth (8th) day of November, in the year of our Lord one thousand eight hundred and seventy, at nine (9) o'clock in the forenoon; and at the said meeting Thomas J. Thorp, T. G. Thompson, and Delmar A. Durphy, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }  
*County of Wexford,* } ss.

I, Leroy P. Champenois, clerk of said county of Wexford and of the board of supervisors thereof, do hereby certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at their annual meeting, held October eleventh, in the year of our Lord one thousand eight hundred and seventy.

In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court of said [ L. S. ] county, this twenty-fourth day of October, eighteen hundred and seventy.

LEROY P. CHAMPENOIS,

*County Clerk.*

# STATE TREASURER'S ANNUAL REPORT—1870.

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STATE OF MICHIGAN,  
STATE TREASURER'S OFFICE,  
LANSING, Nov. 30th, 1870.

*To the Legislature of the State of Michigan:*

GENTLEMEN—Agreeably to the requirements of law, I here-with submit the annual Report of this Department for the fiscal year ending this day.

Balance of cash in the treasury Nov. 30, 1869, was \$834,089 72  
The receipts during the fiscal year were..... 1,718,523 72

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\$2,552,613 44

The payments during the fiscal year were..... 2,094,305 47

Leaving a balance in the treasury of..... \$458,307 97

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The demands upon the treasury maturing on or before January 2d, 1871, are as follows:

Semi-annual interest due Jan. 1, 1871.....	\$55,950 00
Bonds and coupons past due and not presented..	45,308 74
Balance of appropriations for 1870.....	53,906 25
Current State expenses (estimated).....	15,000 00
Apportionment to counties from Canal Fund...	10,322 22
Special deposits—due on call .....	33,766 82
University interest, due Jan. 1, 1871.....	8,250 00
University aid, due Jan. 1, 1871.....	3,750 00
Quartermaster General, for bounties.....	5,000 00
	<hr/>
	\$231,254 03

The amounts applicable by law to the Sinking Fund for the reduction of the State Debt, though not formally credited thereto, are as follows:

Balance of amount set apart July 1, 1870.....	\$59,659 03
(Acts 122, 1861; 134, 1863, and 309, 1865.)	
Trust Funds received since July 1, 1870 .....	51,582 36
Canal Fund .....	27,158 38
	<hr/>
	\$138,399 77

There now stands to the credit of the Primary School Interest Fund the sum of \$91,278 47, which amount, together with the receipts previous to May 1st, 1871, will at that time be due and apportioned and paid to the counties.

There has been received during the year from the United States, as five per cent of the proceeds of the sales of the public lands lying within this State, the sum of \$14,650 78, which amount, in compliance with the provisions of Joint Resolution No. 12, Laws of 1869, has been paid to Francis B. Gilbert, agent and trustee of William Beard and others.

There has also been received from the United States the sum of \$19,035 55, on account of war expenses incurred by this State.

In order to meet the demands of the department of the Quartermaster General, for the payment of bounties due to soldiers, under the provisions of act No. 85, Laws of 1865, \$44,000 of War Bounty Loan Bonds have been issued, of which amount \$29,000 were purchased and retired for the Sinking Fund, and \$15,000 purchased as an investment for the State Agricultural College, in accordance with the terms of the grant made by the United States, the amount invested having been realized from sales of Agricultural College Lands.

In accordance with the provisions of Sec. 4, Act 77, Laws of 1869, requiring life insurance companies to deposit securities with the State Treasurer for any liability to policy-holders, the Michigan Mutual Life Insurance Company of Detroit has

deposited in this department securities to the amount of one hundred thousand dollars, of which fifty-two thousand dollars are in bonds of the United States and of this State, and forty-eight thousand dollars in first mortgages on real estate worth double that amount.

Every effort has been made during the year to purchase the interest-bearing bonds of the State; and all bonds that could be obtained at par have been purchased and canceled. Only \$80,000 have been procured, leaving a balance of \$87,000 devoted to that purpose still unexpended.

#### SINKING FUND.

The following table shows the condition of the Sinking Fund, the sum set apart during the fiscal year as applicable thereto, and the amounts charged to the fund:

Balance Nov. 30, 1869.....	\$394,803 58
One-eighth mill tax.....	38,495 73
War expenses refunded by United States.....	19,035 55
Trust Funds for year ending July 1, 1870.....	109,564 57
Surplus of Taxes levied for interest.....	156,353 59
Discount on Bonds purchased.....	906 01
	<hr/>
	<b>\$719,159 03</b>
	<hr/>

#### DEBITS.

War Loan Bonds drawn for payment, Jan. 1,

1870.....	\$551,500 00
Renewal Loan Bonds purchased.....	32,000 00
Two Million Loan Bonds purchased.....	47,000 00
War Bounty Loan Bonds purchased.....	44,000 00
Balance.....	59,659 03
	<hr/>
	<b>\$719,159 03</b>
	<hr/>

Four hundred and fifty-nine thousand dollars of the Two Million Loan Bonds, 6's, mature Jan. 1, 1873. From the estimate given below (which is made upon the basis of receipts

## APPENDIX.

for the last seven years), it will be seen that ample provision is made for the payment of these bonds before their maturity, without recourse to further taxation for that purpose.

Balance in Sinking Fund, Nov. 30, 1870.....	\$59,659 03
Receipts from Trust Funds from July 1, 1870,	
to Dec. 31, 1872.....	384,064 00
One-eighth mill tax, 1871.....	38,495 73
One-eighth mill tax, 1872, under new equaliza-	
tion—estimated.....	45,000 00
	<hr/>
	\$527,218 76
	<hr/>

## STATE DEBT.

The funded and fundable debt of the State on Nov. 30, 1866, was as follows:

*Interest-Bearing Bonds.*

Sault Canal Bonds, 6's, due July 1, 1879.....	\$100,000 00
Renewal Loan Bonds, 6's, due July 1, 1878.....	216,000 00
Two Million Loan Bonds, 7's, due Jan. 1, 1868..	250,000 00
"        "        "        6's, due Jan. 1, 1873..	500,000 00
"        "        "        6's, due Jan. 1, 1878..	500,000 00
"        "        "        6's, due Jan. 1, 1883..	750,000 00
War Bounty Loan Bonds, 7's, due May 1, 1890..	463,000 00
War Loan Bonds, 7's, due Jan. 1, 1886.....	1,111,500 00
	<hr/>
Total interest-bearing debt.....	\$3,890,500 00

*Non-Interest-Bearing Bonds.*

Adjusted Bonds past due, not pre-	
sented for payment.....	\$4,000 .00
Full-paid Five Million Loan Bonds,	
not presented for payment.....	12,000 00
War Loan Bonds drawn, not presented	
for payment.....	1,100 00
\$125,000 unrecognized Five Million	
Loan Bonds, adjustable at.....	72,321 25
	<hr/>
Total bonded debt, Nov. 30, 1866.....	\$3,979,921 25
	<hr/>

The bonds issued since Nov. 30th, 1866, are as follows:

War Bounty Loan Bonds, 7's, due May 1, 1890, for Quartermaster General's Department...	\$84,000 00
	<u><u>\$4,063,921 25</u></u>

During the same period the following bonds have been paid and canceled:

*Interest-Bearing Bonds.*

Sault Canal Bonds, 6's, due July 1, 1879.....	\$ 17,000 00
Renewal Loan Bonds, 6's, due July 1, 1878.....	56,000 00
Two Million Loan Bonds, 7's, due Jan. 1, 1868..	250,000 00
" " " 6's, due Jan. 1, 1873..	41,000 00
" " " 6's, due Jan. 1, 1878..	63,000 00
" " " 6's, due Jan. 1, 1883..	24,000 00
War Loan Bonds, 7's, due Jan. 1, 1886.....	1,109,500 00
War Bounty Loan Bonds, 7's, due May 1, 1890..	69,000 00
	<u><u>\$1,629,500 00</u></u>

*Non-Interest-Bearing Bonds.*

Adjusted Bond, past due.....	\$1,000 00
Full-paid Five Million Loan Bonds, past due.....	9,000 00
War Loan Bond, drawn for payment, 1864 .....	50 00
\$68,000 unrecognized Five Million Loan Bonds, adjusted at.....	39,342 76
	<u><u>\$49,392 76</u></u>
Total bonded debt paid in four years.....	<u><u>\$1,678,892 76</u></u>

**PRESENT BONDED DEBT OF THE STATE.**

*Interest-Bearing Bonds.*

Sault Canal Bonds, 6's, due July 1, 1879.....	\$83,000
Renewal Loan Bonds, 6's, due July 1, 1878....	160,000 00

Two Million Loan Bonds, 6's, due Jan. 1, 1837..	\$459,000
"      "      "      6's, due Jan. 1, 1878..	437,000
"      "      "      6's, due Jan. 1, 1883..	726,000
War Bounty Loan Bonds, 7's, due May 1, 1890..	478,000

Total interest-bearing bonds ----- \$2,343,000

*Non-Interest-Bearing Bonds.*

Adjusted Bonds, past due-----	\$3,000
Full paid Five Million Loan Bonds, past due-----	3,000
War Loan Bonds drawn, not pre- sented-----	3,050
\$57,000 unrecognized Five Million Loan Bond, adjustable at-----	32,978
	42,028

Total Bonded Debt, Nov. 30, 1870----- \$2,385,028

Total Bonded Debt, Nov. 30, 1866-----	\$3,979,921
"      "      "      Nov. 30, 1870-----	2,385,028
Decrease in four years-----	1,594,892

*Trust Fund Debt.*

The Trust Fund Debt of the State is composed of the following funds and amounts:

Primary School Fund-----	\$1,714,071
Five per cent Primary School Fund-----	214,550
University Fund-----	316,937
Normal School Fund-----	46,797
Railroad and Light-house Deposits-----	1,623
Total-----	2,293,979

The following table shows the entire amount of Municipal Bonds deposited and registered in this office, as provided by Act 45, 1869 (the General Railroad Aid Law); also, the amount

of bonds delivered to railroad companies as required by said law:

NAME OF COMPANY.	AMOUNT.
Michigan Air Line Railroad Co.....	\$564,000 00
Howell and Lansing Railroad Co.....	57,200 00
Detroit, Hillsdale and Indiana Railroad Co. ....	266,000 00
Allegan and Holland Railroad Co.....	31,000 00
Port Huron and Lake Michigan Railroad Co....	55,000 00
Kalamazoo and South Haven Railroad Co.....	224,300 00
Fort Wayne, Jackson and Saginaw Railroad Co..	48,500 00
Ionia and Lansing Railroad Co.....	25,000 00
Chicago and Michigan Lake Shore Railroad Co..	332,100 00
Elkhart and Lake Michigan Railroad Co.....	126,000 00
Port Huron and Owosso Railroad Co.....	28,000 00
Lansing, St. Johns and Mackinac Railroad Co... <td>214,302 30</td>	214,302 30
Paw Paw Valley Railroad Co.....	155,000 00
Jonesville, Marshall and Grand River Railroad Co	281,603 50
Michigan Lake Shore Railroad Co.....	92,000 00
Owosso and Big Bapids Railroad Co.....	123,875 00
Toledo, Ann Arbor and Northern Railroad Co...	273,200 00
East Saginaw and Ann Arbor Railroad Co.....	62,500 00
Westphalia, Hubbardston and Northern Rail- road Co.....	72,500 00
Grand Rapids and Lake Shore Railroad Co.....	49,695 00
Jackson, Lansing and Saginaw Railroad Co.....	172,400 00
Toledo, Ypsilanti and Saginaw Air Line Rail- road Co.....	203,000 00
Ionia and Stanton Railroad Co.....	40,000 00
Detroit and Howell Railroad Co.....	300,000 00
Michigan Air Line Extension Railroad Co.....	28,800 00
Fruitport and Lake Shore Railroad Co. ....	13,300 00
Romeo and Almont Railroad Co.....	45,000 00
Saginaw and St. Clair River Railroad Co.....	150,000 00
Peninsular Railway Co.....	50,000 00
	<hr/>
	\$4,084,275 80
	<hr/>

The bonds comprised in the following list have been delivered to the State Treasurer, but not recorded, and no receipt has been given therefor, for the reason that no time is specified therein when they shall become due,—their maturity depending upon the time of their delivery by the State Treasurer to the railroad company:

**PENINSULAR RAILWAY CO.**

<b>DATE.</b>	<b>TOWNSHIP.</b>	<b>COUNTY.</b>	<b>AMOUNT.</b>
<b>1869.</b>			
Sept. 1....	Penn.....	Cass.....	\$15,000 00
Oct. 13....	Marcellus.....	Cass.....	15,000 00
Oct. 13....	Climax.....	Kalamazoo ...	15,000 00
Dec. 18....	Schoolcraft .....	Kalamazoo ...	20,000 00
<b>1870.</b>			
Jan. 25....	Lagrange.....	Cass .....	15,000 00
			<b>\$80,000 00</b>

**MICHIGAN AIR LINE RAILROAD CO.**

<b>1870.</b>			
March 1....	Lagrange.....	Cass .....	\$15,000 00

**BONDS DELIVERED.**

Michigan Air Line Railroad Co. ....	\$25,000 00
Detroit, Hillsdale and Indiana Railroad Co. ....	50,000 00
Kalamazoo and South Haven Railroad Co. ....	48,400 00
Chicago and Michigan Lake Shore Railroad Co....	97,500 00
Fort Wayne, Jackson and Saginaw Railroad Co. ..	48,500 00
Port Huron and Lake Michigan Railroad Co. ....	42,000 00
Peninsular Railway Co. ....	50,000 00
	<b>\$361,400 00</b>

The following tables will show the details of revenue and expenditures for the fiscal year:

## RECEIPTS.

Tax Histories.....	\$1,413 59
State Tax Deeds.....	643 30
State Tax Lands sold.....	42,498 82
Redemptions .....	46,333 58
Delinquent Taxes.....	180,363 87
	————— \$271,253 16
Primary School Principal.....	\$105,900 86
"    "    Interest.....	53,676 80
Swamp Land, Principal.....	323,873 35
"    "    Interest.....	4,265 37
University, Principal.....	3,412 20
"    "    Interest.....	9,579 88
Agricultural College, Principal....	5,895 00
"    "    Interest.....	1,857 26
Normal School, Principal.....	760 00
"    "    Interest.....	1,717 35
Asylum, Principal .....	1,181 48
"    "    Interest.....	1,554 47
State Building, Principal.....	568 50
"    "    Interest.....	418 03
Salt Spring, Principal.....	927 95
"    "    Interest.....	1,182 97
Internal Improvement.....	116 84
	————— 516,888 31
Primary School Bids.....	\$1,240 21
"    "    Interest.....	119 81
Swamp Land Bids.....	186 33
"    "    Interest.....	4 72
University Bids.....	375 00
"    "    Interest.....	7 83
State Building Interest Bids.....	3 98
Salt Spring Bids.....	80 00
	————— 2,017 83
Taxes on part-paid lands.....	5,843 38
Fees, Plats, etc., from Land Office.....	2,776 00

Counties—State Tax 1869.....	\$233,361 35
Tax Sales.....	137,625 90
General Account.....	81,404 11
Taxes and Redemptions.....	32,024 46
	————— \$484,415 82
Specific Taxes—Railroad Companies	\$212,308 05
Insurance Companies .....	81,046 54
Mining                 "	8,514 22
Telegraph             "	1,311 20
Express               "	1,505 00
	————— 304,685 01
War Bounty Loan Bonds sold.....	44,000 00
Tolls on Sault Ste. Marie Canal.....	25,304 47
Interest from Depositories on surplus funds....	17,153 41
Interest on past-due Specific Taxes.....	4,656 87
From U. S.—War Expenses refunded \$19,035 55	
5 per cent on sales of Public Lands 14,650 78	
	————— 33,686 33
Trespass on Primary School Lands.....	1,337 40
Discount on Two Million Loan Bonds purchased	906 01
Sales of Michigan Reports.....	988 23
Agricultural College—Interest on Investment..	874 95
Peddlers' Licenses.....	334 48
Fees from Office of Secretary of State.....	292 01
Interest on Mortgage—Reeder Farm.....	210 00
Escheated Estates.....	180 00
Fees for registering R. R. Aid Bonds.....	194 90
Rents—State Property in Lansing.....	170 00
Erroneous Award of Auditors refunded.....	173 80
Discounted from War Bonds for Coupons missing	52 50
Sales of Compiled Laws.....	50 .75
Old Papers sold.....	32 10
Grass on Public Squares.....	41 50
Old Books sold by State Librarian.....	2 50
Michigan Southern Railroad Deposit.....	1 00
Overpaid Redemption refunded.....	1 00
	—————
	\$1,718,523 73

## EXPENDITURES.

*Bonds.*

Canal Loan.....	\$1,000 00
Renewal Loan.....	32,000 00
Two Million Loan, due 1873.....	10,000 00
"        "        " 1878.....	13,000 00
"        "        " 1883.....	24,000 00
War Loan.....	593,550 00
	————— \$673,550 00

*Coupons.*

Canal .....	\$4,990 00
Renewal.....	11,626 64
Two Million.....	99,043 36
War.....	19,897 50
War Bounty.....	42,139 95
	————— 177,697 45

*Counties.*

Primary School apportionment....	\$179,483 16
Taxes collected.....	124,031 12
Canal apportionment.....	3,695 82
D., D., and B. Asylum.....	793 90
	————— 308,004 00

*Appropriations.*

University—	
Interest.....	\$38,157 95
Aid .....	18,849 58
	————— \$57,007 53
Reform School.....	36,626 95
Asylum for Insane.....	19,600 00
Institution for D., D., and B.....	68,500 00
Agricultural College—	
Interest.....	\$2,779 89
Appropriation.....	25,000 00
	————— 27,779 89

## Normal School—

Interest.....	\$14,500 00
Appropriation .....	5,000 00
	-----
	\$19,500 00
Geological Survey.....	8,000 00
Immigration Commission.....	2,500 00
State Prison.....	700 00
State Library.....	150 00
Social Statistics.....	534 58
	-----
	\$240,898 95

Salaries..... 105,965 88

## Awards of Board of Auditors—

Printing and Binding.....	\$39,033 66
Paper and Stationery.....	11,054 80
General Awards.....	10,366 67
Sault Ste. Marie Canal.....	3,181 94
Swamp Land Road Commissioner's office.....	1,585 62
Insurance on State Library.....	500 00
Advertising sale—	
Forfeited Lands.....	487 70
Swamp Lands.....	299 60
	-----
	66,509 99

Redemptions..... 58,150 50

## Quartermaster General—

Bounties.....	\$38,850 00
Military.....	5,000 00
	-----
	43,850 00

Expenses of Extra Session.....	11,269 80
Agricultural College—funds invested.....	15,000 00
Beard Claim.....	14,650 78
Advertising Tax Sales.....	14,784 40
War Bounty Bonds for Sinking Fund.....	29,000 00
Expenses of Supreme and Circuit Courts.....	1,820 37
Teachers' Institutes.....	1,800 00
Soldiers' Aid Fund.....	1,500 00

County Treasurers for conducting Tax Sales....	\$5,114	39
Expenses of Sales.....	2,108	71
Land Office—Bids and Interest refunded.....	1,815	69
"    "    Principal and Interest refunded...	499	71
Michigan Reports.....	1,008	90
Coroners' fees.....	1,155	28
Wolf Bounties.....	232	00
Supervisors, assessing Improvements on Forfeited Lands .....	706	25
Commissioners of Penal Institutions.....	618	50
Inspectors of State Prison.....	954	60
Trustees of Asylums.....	385	00
Michigan Central Railroad deposits.....	462	50
Insurance Co. Tax overpaid—refunded.....	74	29
Tax Sales                  "                  " .....	6	81
Tax Histories, refunded.....	6	28
Old Geological Survey.....	80	91
Indexing Laws and Journals, session of 1870...	200	00
Swamp Land Warrants.....	314,423	53
 <b>Total.....</b>	<b>\$2,094,305</b>	<b>47</b>

Very respectfully,

E. O. GROSVENOR,

*State Treasurer.*

## APPENDIX.

*Treasurer of the State of Michigan in Account with the State of Michigan.*

1870.	DEBIT.
Nov. 30. To balance Nov. 30th, 1869 .....	\$834,089 72
Receipts on account of:	
General Fund.....	790,279 33
Primary School Fund.....	106,080 86
Primary School Interest Fund....	55,435 70
Swamp Land Fund.....	323,873 35
Swamp Land Interest Fund.....	4,265 37
University Fund.....	3,412 20
University Interest Fund.....	9,579 88
Normal School Fund.....	760 00
Normal School Interest Fund....	1,717 35
Asylum Fund... ..	2,735 95
State Building Fund.....	986 53
Agricultural College Fund.....	5,895 00
Agricultural College Interest Fund	2,732 21
Internal Improvement Fund.....	14,767 62
War Fund .....	44,052 50
Two Million Loan Sinking Fund..	19,941 56
Sault Ste. Marie Canal Fund....	25,304 47
Michigan Southern R. R. Deposits	1 00
Specific Taxes .....	304,685 01
Primary School Deposits.....	1,240 21
Primary School Interest Deposits.	119 81
Swamp Land Deposits:.....	186 33
Swamp Land Interest Deposits....	4 72
University Deposits.....	375 00
University Interest Deposits.....	7 83
State Building Interest Deposits..	3 93
Salt Spring Deposits.....	80 00
	<hr/>
	\$2,552,613 44

*Treasurer of the State of Michigan in Account with the State  
of Michigan.*

1870.

## CREDIT.

Nov. 30. By warrants paid on account of:

General Fund.....	\$577,865 99
Primary School Fund.....	200 00
Primary School Interest Fund....	180,357 59
Swamp Land Fund.....	319,933 69
Swamp Land Interest Fund.....	201 25
University Interest Fund.....	38,213 10
Normal School Interest Fund....	14,524 75
Asylum Fund.....	88,155 80
State Building Fund.....	4 90
Agricultural College Fund.....	15,000 00
Agricultural College Interest Fund	2,791 17
Internal Improvement Fund....	14,650 78
War Fund.....	100,887 45
War Loan Sinking Fund.....	593,550 00
Two Million Loan Sinking Fund..	108,000 00
Sault Ste. Marie Canal Fund.....	10,671 94
Military Fund.....	6,595 00
Mich. Central Railroad Deposits...	462 50
Specific Taxes.....	74 29
University Aid Fund.....	18,849 58
Soldiers' Aid Fund.....	1,500 00
Primary School Deposits.....	1,577 75
Primary School Interest Deposits..	120 19
Swamp Land Deposits.....	60 00
Swamp Land Interest Deposits....	3 82
State Building Deposits.....	50 00
State Building Interest Deposits..	3 93
Balance .....	458,307 97
	<hr/>
	<b>\$2,552,613 44</b>

## *Ledger Balances.*

## **DEBIT.**

1870.

<b>Nov. 30. Cash</b>	<b>.....</b>	<b>\$458,307 97</b>
Internal Improvement Fund	.....	2,430,597 07
War Loan Sinking Fund	.....	973,337 17
Two Million Loan Sinking Fund	.....	49,530 85
Suspense Account	.....	33,001 31

**83,944,774 37**

*Ledger Balances.*

## CREDIT.

1870.

Nov. 30. General Fund .....	\$1,104,140	20
Primary School Fund.....	1,714,071	12
Primary School Interest Fund.....	91,278	47
Primary School Five per cent Fund...	214,550	53
Swamp Land Fund.....	139,042	18
Swamp Land Interest Fund.....	114,122	74
University Fund.....	316,937	33
University Interest Fund.....	1,120	23
Normal School Fund..	46,797	18
Normal School Interest Fund.....	13,007	40
Asylum Fund.....	73,920	07
State Building Fund.....	28,642	36
Agricultural College Fund.....	5,060	00
War Fund.....	8,927	14
Sault Ste. Marie Canal Fund.....	39,970	60
Military Fund .....	25,708	40
Treasury Notes.....	730	00
Michigan Central Railroad Deposits...	1,397	02
Michigan Southern Railroad Deposits..	147	72
St. Joseph Valley Railroad Deposits....	55	00
Oakland and Ottawa Railroad Deposits.	8	58
Light-house Deposit.....	15	00
Primary School Deposits.....	723	71
Primary School Interest Deposits.....	1	33
Swamp Land Deposits.....	186	33
Swamp Land Interest Deposits.....	90	
University Deposits .....	375	00
University Interest Deposits... ..	7	83
Salt Spring Deposits.....	80	00
		<hr/>
	\$3,944,774	37

## APPENDIX.

*General Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$577,865 99
" am't trans. to University Aid Fund,	15,000 00
" " " Military Fund.....	33,803 40
" " " Two Mil. L'n Sk. F'd,	194,849 32
" " " Nor'l Sch'l Int. Fund,	10,000 00
" " " Asylum Fund.....	49,500 00
" balance .....	1,104,140 20
	<hr/>
	\$1,985,158 91
	<hr/>

*Primary School Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$200 00
" balance.....	1,714,071 12
	<hr/>
	\$1,714,271 12
	<hr/>

*Primary School Interest Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$180,357 59
" balance .....	91,278 47
	<hr/>
	\$271,636 06
	<hr/>

### *General Fund.*

CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$1,097,236	98
" cash received during fiscal year.....	790,279	33
" am't transferred from Canal Fund..	4,067	72
"     "     "     " Specific Taxes	93,574	88

**\$1,985,158 91**

## *Primary School Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....\$1,608,190 26  
" cash received during fiscal year ---- 106,080 86

**\$1,714,271 12**

## *Primary School Interest Fund.*

CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$90,187 02
" cash received during fiscal year.....	55,435 70
" am't transferred from Specific Taxes..	126,013 34
	<hr/>
	\$271,636 06

## APPENDIX.

*Five Per Cent Primary School Fund.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$214,550 53
	<hr/>

*Swamp Land Fund.*

## DEBIT.

1870.

Nov. 30. To land warrants paid during fiscal year	\$314,423 53
" cash, warrants paid during fiscal year,	
refunding and expenses.....	384 90
To cash warrants paid during fiscal year,	
salaries and expenses of Swamp	
Land State Road Office.....	5,125 26
To am't transf'd to 5% Prim. Sch'l Fund	4,539 46
" balance.....	139,042 18
	<hr/>
	\$463,515 33
	<hr/>

*Swamp Land Interest Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$201 25
" balance.....	114,122 74
	<hr/>
	\$114,323 99
	<hr/>

*Five Per Cent Primary School Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869 .....	\$210,011 07
" am't transf'd from Sw'p Land Fund	4,539 46
	<hr/>
	<b>\$214,550 53</b>
	<hr/>

*Swamp Land Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$139,641 98
" land warrants received during fiscal	
year in payment for land.....	314,423 53
By cash received during fiscal year....	9,449 82
	<hr/>
	<b>\$463,515 33</b>
	<hr/>

*Swamp Land Interest Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$110,058 62
" cash received during fiscal year....	4,265 37
	<hr/>
	<b>\$114,323 99</b>
	<hr/>

*University Fund.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$316,937 33
	<hr/>
	\$316,937 33
	<hr/>

*University Interest Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$38,213 10
" balance .....	1,120 23
	<hr/>
	\$39,333 33
	<hr/>

*Normal School Fund.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$46,797 18
	<hr/>
	\$46,797 18
	<hr/>

*Normal School Interest Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$14,524 75
" balance.....	13,007 40
	<hr/>
	\$27,532 15
	<hr/>

*University Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$313,525 13
" cash received during fiscal year.....	3,412 20
	<hr/>
	\$316,937 33
	<hr/>

*University Interest Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$742 26
" cash received during fiscal year....	9,579 88
" am't transferred from Specific Taxes	29,011 19
	<hr/>
	\$39,333 33
	<hr/>

*Normal School Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$46,037 18
" cash received during fiscal year....	760 00
	<hr/>
	\$46,797 18
	<hr/>

*Normal School Interest Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$13,041 37
" cash received during fiscal year....	1,717 35
" am't transferred from General Fund	10,000 00
" " " " Specific Taxes	2,773 43
	<hr/>
	\$27,532 15
	<hr/>

*Asylum Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year...	\$88,155 80
" balance-----	73,920 07
<hr/>	
	\$162,075 87

*State Building Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$4 90
" balance-----	28,643 36
<hr/>	
	\$28,647 26

*Agricultural College Fund.*

## DEBIT.

1870.

Nov. 30. To warrant paid during fiscal year.....	\$15,000 00
" balance-----	5,060 00
<hr/>	
	\$20,060 00

*Agricultural College Interest Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$2,791 17
<hr/>	
	\$2,791 17

*Asylum Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$109,839 92
" cash received during fiscal year.....	2,735 95
" am't trans. from General Fund.....	49,500 00
	<hr/>
	\$162,075 87
	<hr/>

*State Building Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$27,660 73
" cash received during fiscal year.....	986 53
	<hr/>
	\$28,647 26
	<hr/>

*Agricultural College Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$14,165 00
" cash received during fiscal year.....	5,895 00
	<hr/>
	\$20,060 0
	<hr/>

*Agricultural College Interest Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$58 96
" cash received during fiscal year.....	2,732 21
	<hr/>
	\$2,791 17
	<hr/>

*War Fund.*

## DEBIT.

1870.	
Nov. 30. To warrants paid during fiscal year....	\$100,887 45
" balance.....	8,927 14
	<hr/>
	<b>\$109,814 59</b>

*Internal Improvement Fund.*

## DEBIT.

1870.	
Nov 30. To balance Nov. 30, 1869.....	\$2,430,713 91
" warrants paid during fiscal year... .	14,650 78
	<hr/>
	<b>\$2,445,364 69</b>

*War Loan Sinking Fund.*

## DEBIT.

1870.	
Nov. 30. To balance Nov. 30, 1869.....	\$379,787 17
" warrants paid during fiscal year....	593,550 00
	<hr/>
	<b>\$973,337 17</b>

*Two Million Loan Sinking Fund.*

## DEBIT.

1870.	
Nov. 30. To balance Nov. 30, 1869 .....	\$156,321 73
" warrants paid during fiscal year....	108,000 00
	<hr/>
	<b>\$264,321 73</b>

*War Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$12,524 21
" cash received during fiscal year.....	44,052 50
" am't trans. from Specific Taxes.....	53,237 88
	<hr/>
	\$109,814 59
	<hr/>

*Internal Improvement Fund.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year....	\$14,767 62
" balance.....	2,430,597 07
	<hr/>
	\$2,445,364 69
	<hr/>

*War Loan Sinking Fund.*

## CREDIT.

1870.

Nov. 30. By balance.....	\$973,337 17
	<hr/>
	\$973,337 17
	<hr/>

*Two Million Loan Sinking Fund.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year....	\$19,941 56
" am't trans. from General Fund.....	194,849 32
" balance.....	49,530 85
	<hr/>
	\$264,321 73
	<hr/>

*Ste. Marie Ship Canal Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$10,671 94
" am't transferred to General Fund....	4,067 72
" balance.....	39,970 60
	<hr/>
	<b>\$54,710 26</b>

*Military Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$6,595 00
" am't transferred to Soldiers' Aid Fund	1,500 00
" balance.....	25,708 40
	<hr/>
	<b>\$33,803 40</b>

*Suspense Account.*

## DEBIT.

1870.

Nov. 30. To balance Nov. 30, 1869.....	\$33,001 31
	<hr/>
	<b>\$33,001 31</b>

*Treasury Notes.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$730 00
	<hr/>
	<b>\$730 00</b>

*Ste. Marie Ship Canal Fund.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$29,405 79
" cash received during fiscal year.....	25,304 47
<hr/>	
	<u>\$54,710 26</u>

*Military Fund.*

## CREDIT.

1870.

Nov. 30. By am't transferred from General Fund...	\$33,803 40
<hr/>	
	<u>\$33,803 40</u>

*Suspense Account.*

## CREDIT.

1870.

Nov. 30. By balance.....	\$33,001 31
<hr/>	
	<u>\$33,001 31</u>

*Treasury Notes.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$730 00
<hr/>	
	<u>\$730 00</u>

*Michigan Central Railroad Deposits.*

DEBIT.
1870.
Nov. 30. To warrants paid during fiscal year..... \$ 462 50
" balance..... 1,397 02
\$1,859 52

*Michigan Southern Railroad Deposits.*

DEBIT.
1870.
Nov. 30. To balance..... \$147 72
\$147 72

*St. Joseph Valley Railroad Deposits.*

DEBIT.
1870.
Nov. 30. To balance..... \$55 00
\$55 00

*Oakland and Ottawa Railroad Deposits.*

DEBIT.
1870.
Nov. 30. To balance..... \$8 58
\$8 58

*Michigan Central Railroad Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869 .....	\$1,859 52
	<hr/> <hr/> \$1,859 52 <hr/> <hr/>

*Michigan Southern Railroad Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$146 72
“ cash received during fiscal year.....	1 00
	<hr/> <hr/> \$147 72 <hr/> <hr/>

*St. Joseph Valley Railroad Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869 .....	\$55 00
	<hr/> <hr/> \$55 00 <hr/> <hr/>

*Oakland and Ottawa Railroad Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$8 58
	<hr/> <hr/> \$8 58 <hr/> <hr/>

*Light-house Deposit.*

## DEBIT.

1870.

Nov. 30. To balance-----	\$15 00
	\$15 00

*Specific Taxes.*

## DEBIT.

1870.

Nov. 30. To warrant paid during fiscal year.....	\$74 29
" am't trans. to University Int. Fund	29,011 19
" " " Primary Sch. " " "	126,013 34
" " " Normal " " "	2,773 43
" " " War Fund -----	53,237 88
" " " General Fund-----	93,574 88
	\$304,685 01

*University Aid Fund.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year....	\$18,849 58
" balance-----	3,750 00
	\$22,599 58

*Light-house Deposit.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$15 00
	-----
	<b>\$15 00</b>

*Specific Taxes.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year....	\$304,685 01
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**\$304,685 01**

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*University Aid Fund*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$7,599 58
" am't transferred from General Fund	15,000 00
	-----
	<b>\$22,599 58</b>

*Soldiers' Aid Fund.*

## DEBIT.

1870.

Nov. 30. To warrant paid during fiscal year.....	\$1,500 00
	<hr/> <hr/> \$1,500 00 <hr/> <hr/>

*Primary School Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$1,577 75
" balance.....	723 71
	<hr/> <hr/> \$2,301 46 <hr/> <hr/>

*Primary School Interest Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$120 19
" balance.....	1 33
	<hr/> <hr/> \$121 52 <hr/> <hr/>

*Swamp Land Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$60 00
" balance.....	186 33
	<hr/> <hr/> \$246 33 <hr/> <hr/>

*Soldiers' Aid Fund.*

## CREDIT.

1870.

Nov. 30. By amount trans. from Military Fund.....	\$1,500 00
	<hr/> <hr/> <hr/>

*Primary School Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$1,061 25
" cash received during fiscal year.....	1,240 21
	<hr/> <hr/>

*Primary School Interest Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$1 71
" cash received during fiscal year.....	119 81
	<hr/> <hr/>

*Swamp Land Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869.....	\$60 00
" cash received during fiscal year.....	186 33
	<hr/> <hr/>

*Swamp Land Interest Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$3 82
" balance.....	90
	<u><u>\$4 72</u></u>

*State Building Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$50 00
	<u><u>\$50 00</u></u>

*State Building Interest Deposits.*

## DEBIT.

1870.

Nov. 30. To warrants paid during fiscal year.....	\$3 93
	<u><u>\$3 93</u></u>

*University Deposits.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$375 00
	<u><u>\$375 00</u></u>

*Swamp Land Interest Deposits.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year..... \$4 72

\$4 72*State Building Deposits.*

## CREDIT.

1870.

Nov. 30. By balance Nov. 30, 1869..... \$50 00

\$50 00*State Building Interest Deposits.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year..... \$3 93

\$3 93*University Deposits.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year..... \$375 00

\$375 00

*University Interest Deposits.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$7 83
	<hr/> <u>\$7 83</u>

*Salt Spring Deposits.*

## DEBIT.

1870.

Nov. 30. To balance.....	\$80 00
	<hr/> <u>\$80 00</u>

*University Interest Deposits.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year.....	\$7 83
	<hr/> <u>\$7 83</u>

*Salt Spring Deposits.*

## CREDIT.

1870.

Nov. 30. By cash received during fiscal year.....	\$80 00
	<hr/> <u>\$80 00</u>

## BANK STATEMENTS.

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*STATEMENT showing the condition of the Mechanics' Bank,  
Detroit (organized September 1st, 1870), on Monday, December 5th, 1870, as required by the Banking Law of the State  
of Michigan :*

RESOURCES.	
Loans and Discounts.....	\$189,662 98
Expense.....	1,593 74
Suspense .....	281 14
Overdrafts.....	289 61
Due from Banks and Bankers.....	\$25,283 55
Cash Items.....	5,619 19
Checks on other Banks.....	8,466 43
Currency.....	9,457 35
Gold.....	1,467 56
Revenue Stamps.....	488 00
	—
	50,782 08
	—
	<u>\$242,609 55</u>

### LIABILITIES.

Capital Stock.....	\$100,000 00
Deposits.....	138,155 06
Interest and Exchange.....	4,454 49
	—
	<u>\$242,609 55</u>

I, E. H. Butler, Cashier of the Mechanics' Bank, Detroit, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Sworn to and subscribed before me, this ninth day of December, 1870.

EPHRAIM K. ROBERTS,  
*Notary Public.*

**STATEMENT showing the condition of the Jackson City Bank, at the close of business hours, November 30th, 1870, as required by the Banking Law of the State of Michigan:**

**RESOURCES.**

Loans and Discounts.....	\$336,139 35
United States 5-20 Bonds.....	700 00
Banking House Safe and Fixtures.....	10,000 00
Revenue Stamps.....	1,864 95
Premium Paid.....	108 88
Due from Banks and Bankers.....	37,501 27
Legal Tenders and National Bank Notes.....	64,171 00
Fractional Currency.....	1,572 95
Coin .....	313 15
Cash Items.....	1,552 .73
	<hr/>
	\$453,924 28
	<hr/>

**LIABILITIES.**

Capital.....	\$100,000 00
Deposits .....	334,064 33
Profits.....	19,859 95
	<hr/>
	\$453,924 28
	<hr/>

I, Benjamin Newkirk, Cashier of the Jackson City Bank, of Jackson, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

BENJ. NEWKIRK, *Cashier.*

Subscribed and sworn to before me, this ninth day of December, 1870.

GILBERT R. BYRNE,  
*Notary Public.*

*STATEMENT showing the condition of the Ann Arbor Savings Bank, at the close of business hours, November 30th, 1870, as required by the Banking Law of the State of Michigan.*

**RESOURCES.**

Loans and Discounts.....	\$119,617 56
United States 5-20 Bonds, market value.....	1,617 50
Furniture and Fixtures.....	2,539 23
Revenue Stamps.....	623 60
Due from Banks and Bankers.....	16,032 25
Cash—Legal Tender Notes, National Bank Notes, Fractional Currency, and Cash Items.....	35,138 85
	<hr/>
	\$175,568 99

**LIABILITIES.**

Capital.....	\$50,000 00
Profit and Loss.....	5,191 33
Deposits.....	120,377 66
	<hr/>
	\$175,568 99

I, Schuyler Grant, Cashier of the Ann Arbor Savings Bank of Ann Arbor, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

SCHUYLER GRANT, *Cashier.*

Subscribed and sworn to before me, this thirtieth day of November, 1870.

JAMES B. GOTTL  
*Notary Public, Washtenaw county, Michigan.*

**STATEMENT showing the condition of the Merchants' and Manufacturers' Bank, Detroit, at the close of business hours, November 30th, 1870, as required by the Banking Laws of the State of Michigan.**

**RESOURCES.**

Public Bonds.....	\$4,000 00
Furniture Account.....	3,000 00
Loans and Discounts.....	151,237 54
Legal Tenders, National Bank Notes, and Fractional Currency.....	20,550 14
Due from Banks and Bankers.....	21,093 47
Exchanges for Clearing House.....	9,422 25
	<hr/>
	\$209,303 40
	<hr/>

**LIABILITIES.**

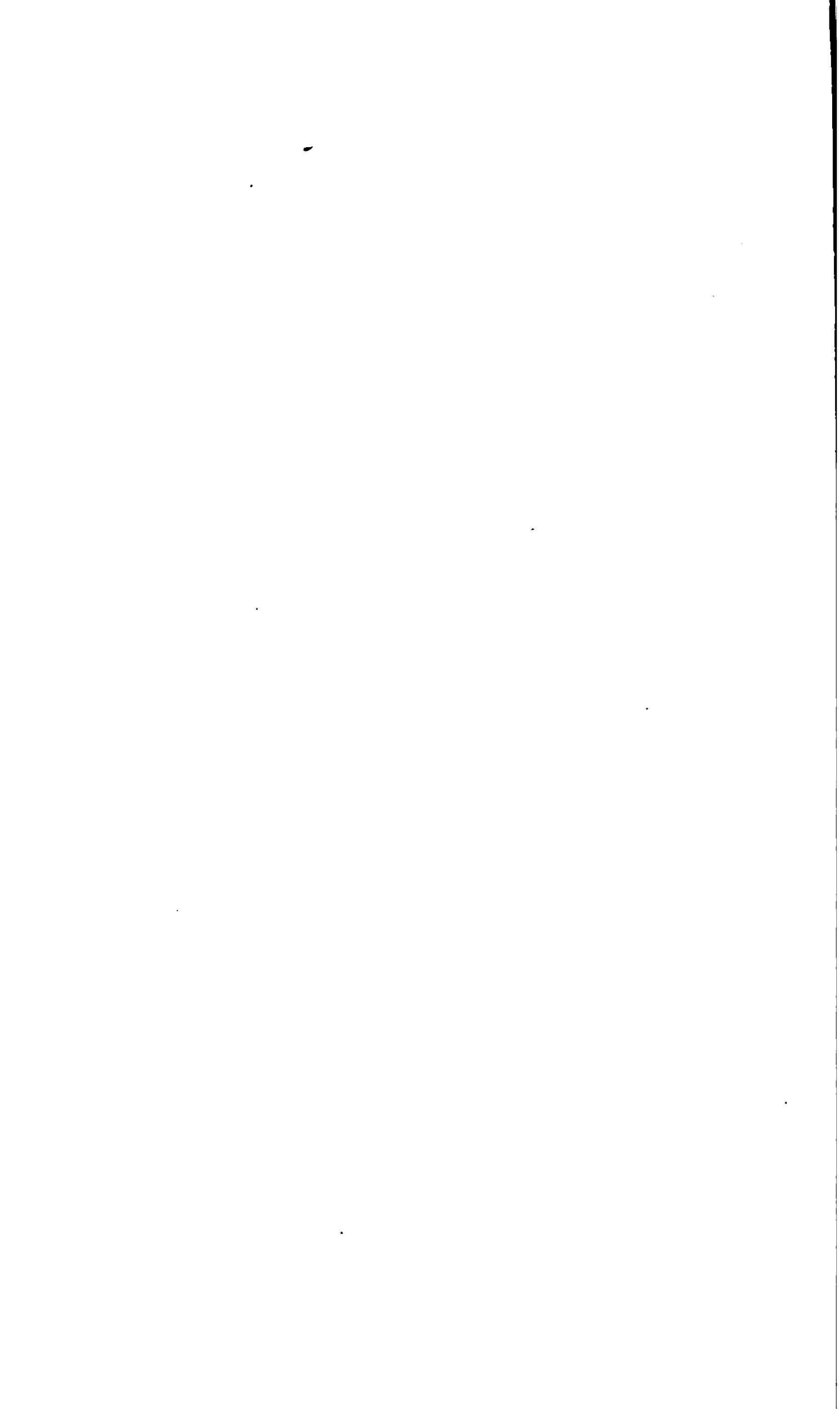
Capital Stock.....	\$100,000 00
Profit and Loss.....	5,232 78
Deposits .....	104,070 62
	<hr/>
	\$209,303 40
	<hr/>

I, Charles C. Cadman, Cashier of the Merchants' and Manufacturers' Bank, Detroit, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHARLES C. CADMAN, *Cashier.*

Subscribed and sworn to before me, this ninth day of December, 1870.

MARCUS F. DOW,  
*Notary Public, Wayne County, Mich.*



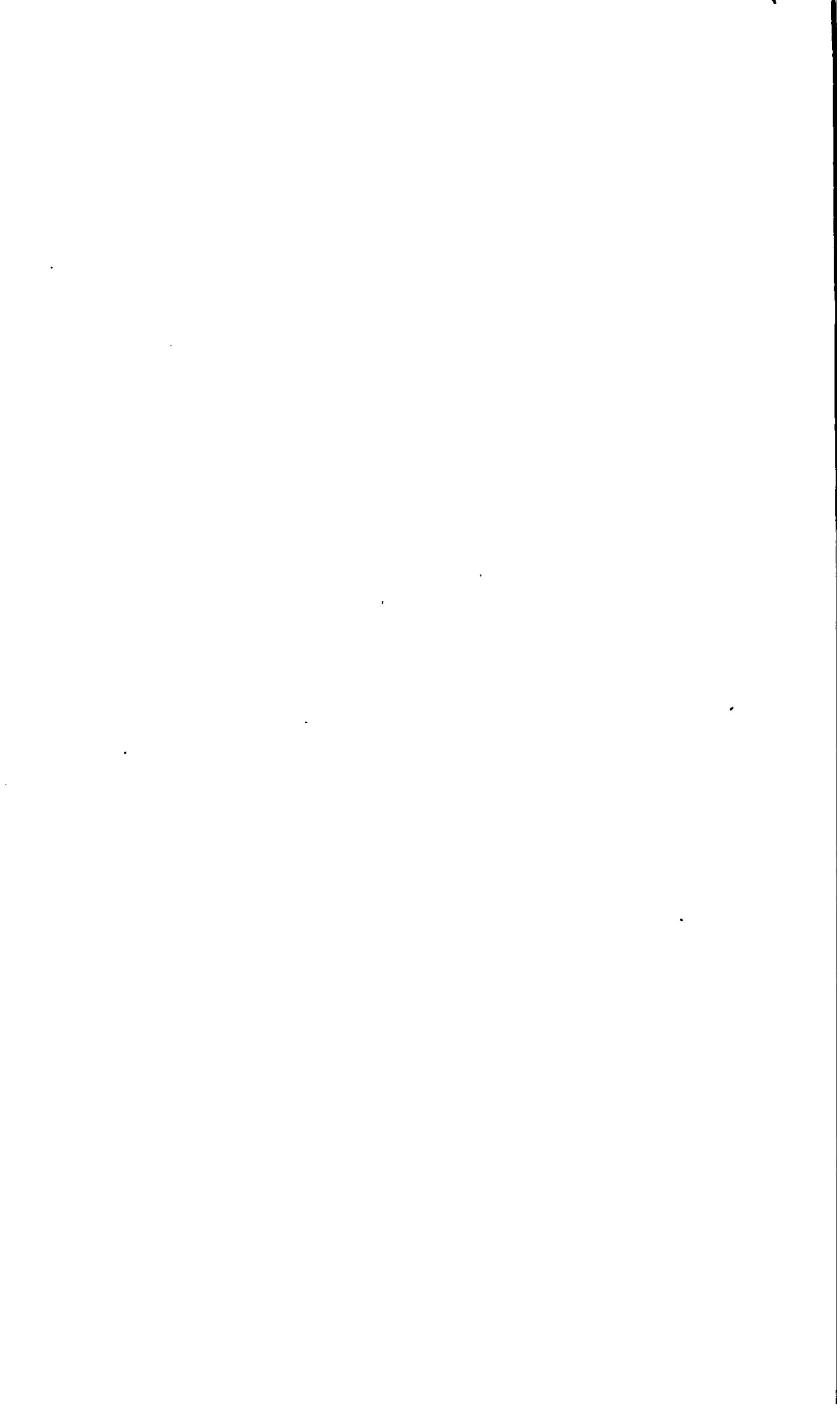
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## I N D E X.

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